MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF JUNE 26, 2009

(Published July 3, 2009, in Finance and Commerce)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

June 26, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Gordon, Hofstede, Ostrow, Schiff, Lilligren, Glidden, Remington, Benson, Goodman, Hodges, President Johnson.

Absent - Council Members Colvin Roy, Samuels.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 6/26/2009.

Absent - Colvin Roy, Samuels.

Lilligren moved acceptance of the minutes of the regular meeting of June 12, 2009. Seconded. Adopted upon a voice vote 6/26/2009.

Absent - Colvin Roy, Samuels.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 6/26/2009.

Absent - Colvin Roy, Samuels.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273547)

Neighborhood Stabilization Program (NSP) 2: Application for NSP2 funds to HUD as lead applicant in consortium with Hennepin County & the City of Brooklyn Park.

Greater Metropolitan Housing Corporation: First Look Program Agreement under the NSP of HUD.

NSP's Forclosure Recovery & Rehability Program: Approval of use of Affordable Ownership Housing Program funds as revolving loan fund.

Lovell Square Project: Approval of 2005 Affordable Housing Trust Fund award.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273548)

Greater Metropolitan Housing Corporation: Approval of \$750,000 zero percent loan to be used as line of credit for loans they originate on behalf of the City.

MN Department of Employment & Economic Development: Redevelopment Grant awards for 14th Ave N Cul-de-sac & East Bank Mills projects.

Target Center: Transfer from Mpls Community Development Agency to the City of Mpls.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (273549)

Kenwood Isles Neighborhood Revitalization Program Phase II Plan Modifiation #1.

HEALTH, ENERGY AND ENVIRONMENT:

HEALTH AND FAMILY SUPPORT SERVICES (273550)

Senior Ombudsman's Office: Report.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (273551)

Homegrown Minneapolis: Report and Resolution recognizing the Importance of Healthy, Sustainably Produced and Locally Grown Foods and Creating the Homegrown Minneapolis Implementation Task Force.

HEALTH AND FAMILY SUPPORT SERVICES (273552)

Minneapolis Workforce Council: Approve appointments and reappointments of David Ahlers, Sharon Bredeson, Elizabeth Campbell, Todd Klingel, Lief Larson, Ken Lundquist, Tom MacNally, Daniel McConnell, Carlye Peterson, Terrell Towers, and Craig Vana; and Approve residency waivers.

Local Plan for Workforce Investment Act: Authorize Mayor Rybak sign Program Year 2009 Plan.

HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (273553)

School Based Clinics: Amend contract with Hennepin County to accept additional revenue of \$9,000 in Local Collaborative Time Study funds for mental health services; and Approve appropriation.

School Based Clinics: Issue Request for Proposals for billing, data management and consulting/training services for a four-year period, with each year contingent upon funding, program needs and performance.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (273554)

2010 State Capital Bonding Projects: Ranked 2010 Capital Bonding requests Federal/State/Local Update: Written reports on unallotment

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273555)

Chindian Cafe (1500 E Hennepin Av): Grant On-Sale Wine Class E with Strong Beer License, with conditions.

Taste of Thailand (11 S7th St): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class E with Sunday Sales License.

LICENSES AND CONSUMER SERVICES (273556)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (273557)

Taco Blass (3722 Chicago Av): Deny renewal of Grocery, Meat Market and On-Sale Wine Class E with Strong Beer Licenses.

LICENSES AND CONSUMER SERVICES (273558)

True Thai Restaurant (2627 E Franklin Av): Grant Sidewalk Cafe License.

The Anchor (302 13th Av NE): Grant Sidewalk Cafe License.

Driftwood (4415 Nicollet Av S): Approve Business License Operating Conditions relating to On-Sale Wine Class E with Strong Beer License.

Gladius (1111 Hennepin Av): Grant On-Sale Liquor Class A with Sunday Sales License, with conditions.

REGULATORY SERVICES (273559)

Housing Board of Appeals: Approve appointment of Karen Barton.

Property at 1155th St NE: Rescind Council action passed March 31, 2006; and Approve demolition of property.

REGULATORY SERVICES (273560)

Property at 1800 E 31st St: Recommendation by Nuisance Condition Process Review Panel to uphold Director's Order to demolish property.

REGULATORY SERVICES (273561)

Property at 2540 Cedar Av: Approve rehabilitation of property, to include a new 2 car garage.

REGULATORY SERVICES (273562)

Rental Dwelling License at 1819 25th Av N: Revoke license held by John J. Maher.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (273563)

Minneapolis Economic Recovery Strategy – Fire Station Construction Grant: Authorize submit application to United States Department of Homeland Security's Assistance to Firefighters Fire Station Construction Grants to fund the construction and modification of fire stations.

POLICE DEPARTMENT (273564)

2009 Byrne Memorial Justice Assistance Grant: Execute contract with Hennepin County for City's share of grant award of \$659,688 to support two City Attorney II positions; the Gang Enforcement Team and other precinct-based gang suppression activities, and to purchase microphones for each patrol officer to be used in conjunction with squad cameras; and Approve appropriation.

Internet Crimes Against Children Task Force: Execute Multi-Agency Law Enforcement Agreement with City of St. Paul to participate on a multi-agency task force and accept up to \$10,000 for overtime training and additional reimbursable travel expenses as approved; and Approve appropriation.

Police Bicycle Patrol: Execute grant agreement with Central Area Neighborhood Development Organization to accept \$12,500 to support bicycle patrol in CANDO Neighborhood; and Approve appropriation.

REGULATORY SERVICES (273564.1)

Homeland Security and Emergency Management Grant: Accept grant award of \$1,469,000 to perform gap analysis on Citizen Evacuation Shelter in Place throughout Urban Area Security Initiative (UASI) region, create five-year plan to address the gaps, and begin to implement plan; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (273565)

Areaway Abandonment of alley between Hennepin and Holmes Ave S from W Lake St to 31st St: Set public hearing.

Access Minneapolis: Draft Pedestrian Master Plan. Street Lighting Utility Fee Ordinace: Set public hearing.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273566)

Street Easement: 14th Ave N between 1st St N and 2nd St N.

2nd Ave N Street Lighting Project No 2277: Project designation and cost estimate.

3rd Ave N Street Lighting Project No 2278: Project designation and cost estimate.

Hennepin Ave Street Resurfacing Project No 5205: Project designation and cost estimate.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (273567)

38th St E Street Resurfacing Project No 5196: Project approval and assessment public hearing. Sidewalk Construction Contract Amendments: Standard Sidewalk, Inc. and Concrete Idea, Inc.

Capital Projects: Closeout projects and reallocate excess funds.

Cedar Lake Trail: Right-of-entry and easements.

First Ave N and Hennepin Ave: One-way to two-way conversion.

Bid: OP 7138, Lund Martin Construction, Inc. for Ramp B improvements.

WAYS AND MEANS BUDGET:

911/311 (273568)

911/311 Shared Services Study: Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273569)

Legal Settlement: Santos Arroyo-Ramirez.

CITY CLERK (273570)

Minneapolis Foundation Grant: Submit request to assist voter education and outreach program related to Ranked Choice Voting (RCV).

COMMUNICATIONS (273571)

Minneapolis Tap Water Awareness: Accept donation from Pentair Inc.; and increasing contract amount to reflect donations.

COORDINATOR (273572)

2009 Charitable Campaign: Approve eight federations to participate.

FINANCE DEPARTMENT (273573)

Issuance of Request for Proposal (RFP): Revise threshold; and develop new protocols and procedures for implementing RFP and professional services contracting processes.

HEALTH AND FAMILY SUPPORT SERVICES (273574)

Public Health Laboratory: Service options relating to closing of the laboratory effective January 1, 2010.

HUMAN RESOURCES (273575)

Metropass Program: Execute a 5-year contract effective August 1, 2009, with the Metropolitan Council; direct staff to maintain reserve account in the Self-Insurance Fund; authorize increasing employee contributions to prevent a deficit in the reserve account; and authorize implementing a \$15 per month increase for Metropass program participants.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (273576)

Waiver Request:

1200 West Broadway

Rezoning:

Slim Whitman Gallery (1235 4th St NE)

Small Area Plan:

Adoption of the Lyn-Lake Small Area Plan

The following reports were signed by Mayor Rybak on June 30, 2009. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the Neighborhood Stabilization Program 2 (NSP2), now recommends that the proper City officers be authorized to submit to the U.S. Department of Housing & Urban Development an application for NSP 2 funds under the American Recovery and Reinvestment Act, 2009, by July 17, 2009, as lead applicant in a consortium with Hennepin County and the City of Brooklyn Park, and that staff be authorized to develop and execute consortium agreements with Hennepin County and the City of Brooklyn Park as required by the NSP2.

Your Committee further recommends that that the public comment period for NSP2 be established as June 16-26, 2009.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

Comm Dev – Your Committee, having under consideration the receipt of funding from the U.S. Department of Housing & Urban Development (HUD) and through the Minnesota Housing Finance Agency under the FY08 Community Development Block Grant Neighborhood Stabilization Program (NSP1) to acquire foreclosed and/or abandoned homes in specific areas and for specific purposes, now recommends that staff be directed to negotiate a First Look Program Agreement with the Greater Metropolitan Housing Corporation (GMHC) in compliance with guidance and regulations of HUD for the use of Neighborhood Stabilization Program (NSP) funds awarded to the City.

Your Committee further recommends that the proper City officers be authorized to execute the First Look Program Agreement between GMHC and the City of Minneapolis under the NSP of HUD.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

Comm Dev — Your Committee, having under consideration construction financing for the Neighborhood Stabilization Program's Foreclosure Recovery and Rehabilitation Program, now recommends approval of the use of \$1.5 million from the Affordable Ownership Housing Program as a revolving loan fund for construction financing at 0% interest for said Program, and that the proper City officers be authorized to execute said loan and related agreements for this purpose.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

Comm Dev – Your Committee, having under consideration the Lovell Square Project, an affordable housing project at 1115 & 1205 Humboldt Ave N, 1012, 1042 & 1205 Irving Ave N, 1419 & 1425 – 11th Ave N and 1111 & 1216 James Ave N, now recommends approval of the 2005 Affordable Housing Trust Fund award of \$418,407 to be used for the relocation of eligible tenants of the Lovell Square Project, and that the proper City officers be authorized to enter into the necessary agreements with Wilson Development Services, LLC and to execute all necessary documents to execute foreclosure on the project.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget – Your Committee, having under consideration the services of the Greater Metropolitan Housing Corporation (GMHC), now recommends approval of a \$750,000 zero percent loan to GMHC to be used as a line of credit for loans they originate on behalf of the City.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation in the Department of Community Planning and Economic Development by \$750,000. Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

RESOLUTION 2009R-279 By Goodman and Ostrow

Amending the 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Residential Housing Fund (01SRF-8900220) by \$750,000 from available fund balance.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

Comm Dev & W&M/Budget – Your Committee recommends that the proper City officers be authorized to accept and appropriate Redevelopment Program Grants awarded by the Minnesota Department of Employment & Economic Development (DEED) for the 14th Avenue Cul-de-sac Project in the amount of \$170,000 and for the East Bank Mills Project in the amount of \$151,938, and to execute grant, subrecipient and/or disbursement and related documents and agreements for these grants.

Your Committee further recommends passage of the accompanying resolution increasing the Department of Community Planning & Economic Development appropriations to reflect receipt of said grant funds, and increasing the revenue budget.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

RESOLUTION 2009R-280 By Goodman and Ostrow

Amending the 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Increasing the appropriation in the Department of Community Planning and Economic Development Grants Other Fund (01600-8900320) by \$170,000;
 - b) Increasing the appropriation in the CPDE Grants Other Fund (01600-8900220) by \$151,938; and
 - c) Increasing the CPED revenue source (01600-8900900-321504) by \$321,938. Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Kenwood Isles Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan Modification #1, now recommends:

- a) Approval of Kenwood Isles NRP Phase II NRP Modification #1 creating a new housing strategy, as described in the NRP staff report;
- b Approval of an increase of the Plan's allocation by \$14,400 for a revised total allocation of \$100,000;
- c) Passage of the accompanying resolution increasing the Department of Community Planning and Economic Development (CPED) appropriation in the NRP Fund by \$20,000;
- d) That the proper City officers be authorized to enter into any contracts or agreements necessary to implement said Plan Modification.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

RESOLUTION 2009R-281 By Goodman and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development NRP Fund (01CNR-8900800) by \$20,000.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

Comm Dev & W&M/Budget – Your Committee, having under consideration the consolidation of management of City-owned event facilities, now recommends:

- a) Passage of the accompanying resolution authorizing the transfer of the Target Center property and agreements from the Minneapolis Community Development Agency (MCDA) to the City of Minneapolis;
- b) Appointment of the Minneapolis Convention Center Executive Director as the Contract Administrator under the Amended and Restated Arena Lease, Operating, Management, Use and Assurance Agreement between the MCDA and AEG Management MN, LLC;
- c) Receiving and filing the report of the Department of Community Planning & Economic Development (CPED) regarding the transfer of responsibility for operations and management oversight of the Target Center from CPED staff to Convention Center staff;
 - d) That the subject matter be forwarded to the MCDA Board of Commissioners. Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

Resolution 2009R-282, transferring Target Center property and agreements from the Minneapolis Community Development Agency to The City of Minneapolis, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-282 By Goodman and Ostrow

Transferring Target Center from the Minneapolis Community Development Agency to The City of Minneapolis.

Whereas, Minnesota Laws 2003, Chapter 127, Article 12, Sections 31-34, authorized transfers to the City of the money, real property, investments, personal property, assets, programs, projects, districts, developments and obligations of the Minneapolis Community Development Agency ("MCDA"); and

Whereas, pursuant to Resolution Nos. 2003R-625 and 2003R-626, both adopted on December 29, 2003, the City Council transferred the money, investments, personal property, programs, projects, districts and obligations of the MCDA described therein, including the assets, rights and obligations of the Common Bond Fund, effective as of January 1, 2004; and

Whereas, pursuant to Resolution No. 2004R-459, adopted October 22, 2004, the City Council transferred most of the MCDA-owned real restate and developments to the City, but withheld certain property pending further review; and

Whereas, the City Council has decided to transfer Target Center:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

- 1. The City Council hereby transfers, assigns and conveys to the City all tracts or parcels of land, estates and interests of the MCDA in the real property described on the attached Exhibit A and improvements thereon (collectively, the "Real Property"), together with the MCDA interest in a) all equipment and personal property used in connection with the Real Property (collectively, the "Personalty"), b) all plans, surveys, blueprints, operating manuals and business record associated with the Real Property and Personalty (collectively, the "Records"), c) all leases and agreements regarding the Real Property and Personalty (collectively, the "Contracts") and d) all permits and licenses related to the Real Property and Personalty (collectively, the "Licenses").
- 2. The City accepts and assumes the contractual obligations of the MCDA with respect to the transferred property of the MCDA. The pledge of the full faith and credit of the MCDA to any bonds, notes or other debt obligations of the MCDA that are transferred to the City shall not be secured by the full faith and credit or taxing power of the City, but only by the assets pledged by the MCDA.
- 3. The Finance Officer and other appropriate City officers are hereby authorized and directed to sign and deliver such documents and agreements as may be required to accomplish the foregoing transfers, assignments and conveyances.
- 4. The transfers authorized by this resolution shall be effective upon execution and delivery of one or more deeds with respect to the property identified on Exhibit A, as follows, or other appropriate instrument(s) from the MCDA in favor of the City.

EXHIBIT A LEGAL DESCRIPTION

Parcel 148:

600 1st Avenue North (PID No. 22-029-24-43-0142) 109 6th Avenue North (PID No. 22-029-24-43-0143)

That part of Tract A, B, G, H, M. R, S, X, Y and Z, embraced within the following described parcel that of Lots 1 and 2 lying Northwesterly of the Southeasterly 6.8 feet thereof and Lots 3, 4, 5 and 6 all in Block 2, Hoag & Bells Addition to Minneapolis,

Tract E and P, Registered Land Survey No. 1664.

Being registered land as is evidenced by Certificate of Title No. 818055.

Tracts A, B, G, H, M, R, S, X, Y and Z, except those parts thereof embraced within the following described parcel: that of Lots 1 and 2 lying Northwesterly of the Southeasterly 6.8 feet thereof and Lots 3, 4, 5 and 6 all in Block 2, Hoag & Bells Addition to Minneapolis;

Tracts C, D, F, I, J, K, L, N, O, Q, T, U, V and W, all in Registered Land Survey No. 1664.

Being registered land as is evidenced by Certificate of Title No. 818056.

Tracts C, D, E, F, G and H, Tract B, except that part thereof within the following described parcel: Lots 10, 11 and 12, Cahill's subdivision in Block Five (5), Hoag and Bell's Addition to Minneapolis, all in Registered Land Survey No. 1662.

Being registered land as is evidenced by Certificate of Title No. 815965. Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

The HEALTH, ENERGY & ENVIRONMENT Committee submitted the following reports:

HE&E – Your Committee recommends concurrence with the recommendation of the Mayor to approve the following appointments/reappointments to the Minneapolis Workforce Council for two-year terms to expire June 30, 2011:

Appointments

David Ahlers, Ward 3 (work), representing large business

Elizabeth Campbell, Ward 2, representing large business

Todd Klingel, Ward 7 (work), community representative

Daniel McConnell, Ward 12, representing labor

Carlye Peterson, Ward 10 (work), representing education

Terrell Towers, Ward 8 (work), representing public employment service

Reappointments

Sharon Bredeson, Ward 7, representing small business

Lief Larson, Ward 1, representing small business

Ken Lundquist, Ward 2, representing rehabilitation services

Thomas MacNally, Ward 13 (work), representing small business

Craig Vana, Ward 1, representing education

Your Committee further recommends that the residency requirement for David Ahlers, Carlye Peterson, Terrell Towers, and Todd Klingel be waived, in accordance with Section 14.180 of the Minneapolis Code of Ordinances.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

HE&E – Your Committee recommends that Mayor Rybak be authorized to sign the Program Year 2009 Local Unified Plan for the Workforce Investment Act (WIA) for the period July 1, 2009 to June 30, 2010.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

HE&E – Your Committee recommends passage of the accompanying resolution recognizing the Importance of Healthy, Sustainably Produced and Locally Grown Foods and Creating the Homegrown Minneapolis Implementation Task Force.

Gordon moved that the resolution be amended to change the number of City Council representatives on the Task Force from one to two. Seconded.

Hodges moved that the resolution be amended to change the number of members on the Task Force from 15 to 16. Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy, Samuels.

Gordon's motion was adopted upon a voice vote.

Absent - Colvin Roy, Samuels.

The report, as amended, was adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

Resolution 2009R-283, recognizing the Importance of Healthy, Sustainably Produced and Locally Grown Foods and Creating the Homegrown Minneapolis Implementation Task Force, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-283 By Gordon, Glidden, Hodges, Hofstede, Remington, Samuels, Schiff

Recognizing the Importance of Healthy, Sustainably Produced and Locally Grown Foods and Creating the Homegrown Minneapolis Implementation Task Force.

Whereas, cities across the US are increasingly focusing on providing healthy, sustainably and locally grown food supplies for their residents by developing local food policies that encourage community gardens and other forms of urban agriculture within city limits, as well as better relationships with small farmers in their region; and

Whereas, populations whose diets are high in fruits and vegetables experience better health, with lower rates of obesity and related chronic conditions; and

Whereas, access to affordable, healthy foods currently varies depending on race, class and geography; and

Whereas, the ability to grow, sell, and easily obtain a consistent, adequate supply of fresh, local foods can increase food security and empower families and communities to be more healthy and self-sufficient; and

Whereas, successful models for intensive, sustainable food production in urban spaces exist in other large cities in cold-weather climates; and

Whereas, the growing local food movement has increased demand among Minneapolis residents for healthy, sustainably produced, locally grown foods and strengthened interest in developing partnerships between urban consumers and regional growers; and

Whereas, a local food system can support regional small farms and local jobs, create business opportunities and encourage the re-circulation of capital within a region; and

Whereas, buying local food helps fight climate change and improves air quality by reducing the transport, packaging and fossil fuel-derived inputs required to bring food from farm to table; and

Whereas, the City of Minneapolis has already taken important steps to support local foods, including:

- identifying community gardens as a valuable part of the urban landscape in the Minneapolis Plan for Sustainable Growth
- making compost and water available to community gardens
- planning vegetable gardens at 16 fire stations
- funding farm stands through Steps to a Healthier Minneapolis
- easing the licensing burden on new farm stands
- piloting a youth garden in collaboration with Emerge
- making climate change grants available to community groups working on local foods, for example the Kingfield Neighborhood community garden effort, the rooftop garden at the Hennepin County Medical Center, inclusion of local foods in Do It Green! activities, and the Gardening Matters landowner/gardener matchmaking website; and

Whereas, the Homegrown Minneapolis Initiative, begun in December, 2008, has engaged over one hundred stakeholders from multiple perspectives – farmers, community gardeners, farmers market managers, restaurateurs, food and farming nonprofits, academics, regulators and enthusiastic local-food consumers – in developing a set of specific recommendations for improving the production, distribution and consumption of fresh, local foods in Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis finds that increasing the amount of healthy, sustainably produced, locally grown food being produced, distributed and consumed in Minneapolis is an important City goal.

Be It Further Resolved that the City of Minneapolis creates a Homegrown Minneapolis Implementation Task Force to implement the recommendations of the Homegrown Minneapolis report, as presented to the Health, Energy and Environment Committee on June 15, 2009. The Task Force is authorized to meet until July of 2011, is to be staffed by the Department of Health and Family Support, and will be made up of no more than 16 members, to include the following:

- The Vice Chair of the Health, Energy & Environment Committee as of 6/15/2009, acting as Co-Chair
- A representative appointed by the Mayor, acting as Co-Chair
- Representatives of the Minneapolis Departments of:
 - Health and Family Support
 - Regulatory Services
 - o Community Planning and Economic Development
 - o Public Works
 - City Coordinator Sustainability
- The community co-chairs of the Homegrown Minneapolis subcommittees on:
 - o Community and Backyard Gardens
 - o Small Enterprise Urban Agriculture
 - Commercial Use of Local Foods
- A representative to be selected by the Minneapolis farmers markets managers
- A representative appointed by the Mayor
- Two representatives of the City Council
- Two at-large representatives to be chosen by the Task Force

The Minneapolis Attorney's Office and Departments of Communications, Intergovernmental Relations, and Neighborhood and Community Relations will assist the Task Force as needed.

The Tri-Chairs of the Homegrown Minneapolis Initiative will continue to serve as strategic community leadership for this work, especially on the formation of a City advisory committee on food policy.

Be It Further Resolved that the Homegrown Minneapolis Implementation Task Force is directed to return to the Health Energy and Environment Committee no later than the first quarter of 2010 with proposals for implementing recommendations from the Homegrown Minneapolis report, including but not limited to the:

- Formation of a City advisory committee on food policy
- Draft policy of a community garden program that allows organizations to lease non-developable city-owned property for community gardens
- Suggestions relating to the City's State legislative agenda
- Development of a Sustainability Indicator for sustainably and locally-grown foods
- Creation of a citywide topical plan on community gardens and urban agriculture
- Inventory of community kitchens and processing and distribution of sustainably and locallygrown food
- Improved coordination of farmers markets
- Equity of access and food security, including the use of EBT at farmers markets.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

The HEALTH, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to amend contract #26407 with Hennepin County to accept additional revenue in the amount of \$9,000 in Local Collaborative Time Study funds, for a new contract amount of \$90,000), for mental health services to Latino students at the School Based Clinics. Further, passage of the accompanying resolution appropriating \$9,000 to the Department of Health & Family Support.

Adopted 6/26/2009.

Absent – Colvin Roy, Samuels.

RESOLUTION 2009R-284 By Benson and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants - Other Fund (01600-8600152) by \$9,000 and increasing the Revenue Source (01600-8600152-322002) by \$9,000.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals for School Based Clinic billing, data management and consulting/training services during the four-year period of September 1, 2009 through August 31, 2013, with each year contingent upon funding, program needs and performance.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

HE&E & W&M/Budget – Your Committee, to whom was referred back a report on June 12, 2009 relating to the Solar Photovoltaic Project at the Convention Center, now recommends the following:

HE&E- Having deemed that EyeOn Energy LLC did not produce signed contracts (Solar Services Agreement, Site Lease and Grant Contract) by June 5, 2009 that meet the terms of the Renewable Development Fund (RDF) Board and City Council direction, that staff be directed to redefine the project and to formally request the RDF Board and the Public Utilities Commission to re-designate the grant award to the City as a sole applicant.

Further, that staff be directed to issue a Request for Proposals (RFP) to qualified parties. The issuance of the RFP will be subject to review and approval by the Permanent Review Committee.

W&M/Budget – That the subject matter be **sent forward without recommendation.** Further, that staff be directed to report back on the extent to which EyeOn Energy has completed their due diligence. The City Attorney's Office, through outside counsel, is directed to engage in further discussions with EyeOn Energy specifically related to the insurance clause and report back at the Committee of the Whole Meeting with recommended language that both parties find acceptable.

Benson moved that the report be amended to approve the Health, Energy & Environment Committee recommendation and to delete the Ways & Means/Budget Committee recommendation. Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy, Samuels.

Ostrow moved a substitute report, to read as follows:

"That the proper City officers be authorized to execute a new 20 year solar services agreement and site lease with EyeOn Energy LLC for the purchase of renewable electric energy produced by EyeOn Energy LLC at the Minneapolis Convention Center. The purchase of the renewable electric energy will be paid for from Fund 08650 Department 8650100. No additional appropriation is required." Seconded.

Goodman moved to call the question on Ostrow's motion. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Samuels.

Ostrow's motion lost. Yeas, 1; Nays, 10 as follows:

Yeas – Ostrow.

Nays – Gordon, Hofstede, Schiff, Lilligren, Glidden, Remington, Benson, Goodman, Hodges, Johnson.

Absent - Colvin Roy, Samuels.

The report, as amended, was adopted. Yeas, 10; Nays, 1 as follows:

Yeas – Gordon, Hofstede, Schiff, Lilligren, Glidden, Remington, Benson, Goodman, Hodges, Johnson.

Nays - Ostrow.

Absent - Colvin Roy, Samuels.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following report:

IGR - Your Committee, having under consideration the adoption of a priority list of Minneapolis projects to be submitted to the Minnesota Department of Finance, now recommends passage of the accompanying resolution approving and ranking the 2010 Capital Budget request.

Your Committee further recommends that staff be directed to include in the 2010 legislative agenda an item concerning debt relief for regional facilities in Minneapolis.

Vice President and Council President pro tem Lilligren assumed the Chair.

Johnson moved to amend the resolution by adding a new third "Resolved" paragraph to read as follows: "Be It Further Resolved that the City of Minneapolis is willing to prioritize the Orchestra Hall/Peavey Plaza project upon successful negotiation and completion of an agreement with respect to the allocation of funds for Peavey Plaza." Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Samuels.

The report, as amended, was adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

Resolution 2009R-285, approving and ranking the 2010 Capital Budget request and submitting requests to the Minnesota Commissioner of Finance, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-285 By Hodges

Approving and ranking the 2010 Capital Budget request and submitting requests to the Minnesota Commissioner of Finance.

Resolved by The City Council of The City of Minneapolis:

That the following capital investment projects be submitted to the Minnesota Department of Finance and that the projects be prioritized as follows:

- 1. Northtown Rail Yards Bridge
- 2. Emergency Operations and Fire Training Center
- 3. Granary Road
- 4. Target Center Improvements
- 5. I-35W 3rd and 4th Street Interchange
- 6. Grand Rounds Scenic Byway Lighting Renovation
- 7. 35W South And 35W North Storm Tunnel Preservation Projects
- 8. Hiawatha LRT Corridor Infrastructure for Transit Supportive Development

Be It Further Resolved that the City of Minneapolis is willing to be the political subdivision required by Minnesota law for the Orchestra Hall and Peavey Plaza Redevelopment project should that organization obtain state bonding proceeds.

Be It Further Resolved that the City of Minneapolis is willing to prioritize the Orchestra Hall/Peavey Plaza project upon successful negotiation and completion of an agreement with respect to the allocation of funds for Peavey Plaza.

Be It Further Resolved that Minneapolis Intergovernmental Relations Department staff is directed to properly file these requests for funding with the Minnesota Department of Finance in a timely fashion. Adopted 6/26/2009.

Absent - Colvin Roy, Samuels.

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS- Your Committee, having under consideration the application of The Anchor Fish & Chips LLC, dba The Anchor, 302 13th Av SE, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2010, and a Sidewalk Cafe License (new business), to expire April 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS-Your Committee, having under consideration the application of True Thai Restaurant Ltd, dba True Thai Restaurant, 2627 E Franklin Av, for an On-Sale Wine Class E with Strong Beer License (expansion of premises and expansion for outdoor seating) to expire April 1, 2010, and a Sidewalk Cafe License (new business) to expire April 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Gladius, 1111 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Approved by Mayor Rybak 6/29/2009.

(Published 6/30/2009)

Resolution 2009R-286, granting the application of Gladius, 1111 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-286 By Samuels

Granting the application of Gladius, 1111 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Gladius LLC, dba Gladius, 1111 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire July 1, 2010, subject to the following conditions:

- 1. The establishment will not operate as a sexually oriented use as is defined in Chapter 549.340 of the Minneapolis Code of Ordinances.
- 2. The applicant will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching and other similar types of activities.

- 3. Violation of the terms of paragraphs 1 and 2 above shall provide a basis for revocation of the City's consent for the applicant to operate the Class A Liquor License.
- 4. All parties hereto agree that this agreement is specifically enforceable and that in any litigation involving this agreement no defense will be raised as to its enforceability.
 - 5. Final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Approved by Mayor Rybak 6/29/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving business license operating conditions relating to the On-Sale Wine Class E with Strong Beer License held by Driftwood, 4415 Nicollet Av S.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-287, approving business license operating conditions relating to the On-Sale Wine Class E with Strong Beer License held by Driftwood, 4415 Nicollet Av S, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-287 By Samuels

Approving business license operating conditions relating to the On-Sale Wine Class E with Strong Beer License held by Driftwood, 4415 Nicollet Av S.

Resolved by The City Council of The City of Minneapolis:

That the following business license operating conditions be approved for Driftwood:

- 1. Driftwood shall close no later than 1:00 a.m. daily, with food service during all hours of operation. Alcohol service will cease 30 minutes before closing. The sidewalk cafe will close Sunday through Thursday at 10:00 p.m. and Friday and Saturday at 11:00 p.m. per City ordinance, Section 265.290 and tables and chairs must be removed and stacked at the end of the sidewalk cafe hours.
- 2. Driftwood shall maintain a security guard as defined in Minnesota Statute 326.32, subdivision 13, who will maintain security on-site from Friday and Saturday at 8:00 p.m. to 1:15 a.m. Surveillance cameras shall be installed to view the parking lot by August 1, 2009 and must have 30 days of recording memory. Recording will be made available to the licensing inspector or Minneapolis Police Department immediately upon request.
 - 3. Driftwood shall maintain a professional trained manager during all business hours.
- 4. Driftwood shall not promote or provide any "happy hours" or other alcoholic drink specials past 8:00 p.m.
- 5. Driftwood shall maintain the installation of speed bumps every year in the alley between Nicollet and 1st.
- 6. In an effort to reduce noise issues for the surrounding residence, Driftwood shall not throw out trash after 8:00 p.m. in the evening.
- 7. No upgrade to a liquor license will be considered until all requirements of the license conditions are and maintained for a period of 12 months of operation. No upgrade to an entertainment class will be considered until all requirements and license conditions are met for a period of three months.
- 8. Driftwood shall trespass customers that are refused service due to over intoxication, creating a disturbance or other disruptions.
 - 9. Driftwood shall not alter the dba to include the term "Tavern".
- 10. Driftwood shall maintain a minimum of 60 percent food sales. Driftwood shall report sales information to Licensing every three months.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Chindian Cafe, 1500 E Hennepin Av, for an On-Sale Wine Class E with Strong Beer License, subject to conditions.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-288, granting the application of Chindian Cafe, 1500 E Hennepin Av, for an On-Sale Wine Class E with Strong Beer License, subject to conditions, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-288 By Samuels

Granting the application of Chindian Cafe, 1500 E Hennepin Av, for an On-Sale Wine Class E with Strong Beer License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Chindian Cafe Inc, dba Chindian Cafe, 1500 E Hennepin Av, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2010, subject to the following conditions:

- 1. The licensee shall submit a site plan to Minneapolis Development Review staff and complete the Preliminary Development Review process for the Zoning lot at 1500-1510 E Hennepin Av (including the two parcels at 1113-1117 16th Av SE) prior to July 15, 2009. The applicant will have one year from the date of approval of the site plan by the City to implement the changes required to the site as identified by the plan.
 - 2. The licensee shall stop parking any additional vehicles at the above referenced lot immediately.
 - 3. The licensee shall remove all of the vehicles from the above referenced lot by June 26, 2009.
- 4. The licensee shall remove the barbed wire portion of the fence by August 26, 2009 and remove the fence surrounding the above referenced lot on or before November 1, 2009.
- 5. The licensee shall maintain the above referenced lot to be in compliance with all local and state laws.
- 6. The restaurant will operate no later than 11:00 p.m. Sunday through Thursday and no later than Midnight on Fridays and Saturdays. This condition may be reviewed by City staff, through a neighborhood meeting, one year after approval of this license, for alteration.
- 7. The licensee will report to Licenses & Consumer Services food to alcohol sales on a monthly basis for the first six months of their upgrade, and whenever requested thereafter.
- 8. The licensee will have graffiti removed from the property at 1500-1510 E Hennepin Av within 7 days of occurrence, per Minneapolis Code 226.40.
 - 9. Final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-289, granting applications for Liquor, Wine and Beer Licenses, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-289 By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273556):

Off-Sale Liquor, to expire July 1, 2010

Sorella Wine & Spirits Inc, dba Sorella Wine & Spirits, 1010 Washington Av S

Philmik Inc, dba Hennepin Lake Liquors, 1200 W Lake St

Sentyrz Falyce A, dba Sentyrz Liquor & Supermarket, 1612 2nd St NE, 1st floor

KJM Enterprises Inc, dba Lowry Hill Liquors, 1922 Hennepin Av, 1st floor

E & M Franklin Nicollet Inc, dba Franklin Nicollet Liquor Store, 2012 Nicollet Av, 1st floor

Michalaur, LLC, dba Hum's Liquor Store, 2126 Lyndale Av S

Kick's Liquor Store Inc, dba Broadway Liquor Outlet, 2201 W Broadway

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2010

Wolfgang Puck Catering & Events LLC, dba Wolfgang Puck Catering, 1750 Hennepin Av (new manager)

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2010

Trocaderos LLC, dba Trocaderos, 107 3rd Av N

Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S

Minnesota Historical Society, dba Mill City Museum, 704 S 2nd St

Food and Drink Inc, dba Barfly, 711 Hennepin Av

I & E Inc, dba Bunker's, 761 Washington Av N, 1st floor

900 Washington Hotel LLC, dba Aloft Hotel Minneapolis, 900 Washington Av S

Metropolitan Sports Facilities Commission, dba H H H Metrodome, 900 S 5th St

Varsity Arts LLC, dba Varsity Theater, 1308 4th St SE

Minneapolis Branch American Association of University Women, dba Gale Mansion, 2115 Stevens

Αv

D'Amico Catering LLC, dba D'Amico Catering at Calhoun Beach, 2925 Dean Pkwy

Pepito's Mexican Foods Inc, dba Pepito's, 4820 Chicago Av

On-Sale Liquor Class B with Sunday Sales, to expire July 18, 2009

Fourth Street Saloon Inc, dba 4th Street Saloon, 326 W Broadway (July 11 & 18, 2009, Noon to 9:00 p.m.)

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2010

Sirian Enterprises, dba Lee's Liquor Bar, 101 Glenwood Av

106 Enterprises LLC, dba Ugly Mug, 106 3rd St N

Loring Pasta Bar LLC, dba Loring Pasta Bar, 327 14th Av SE

Brothers of Minneapolis Inc, dba Brothers, 430 1st Av N, Suite 100

Hard Rock Cafe International (USA) Inc, dba Hard Rock Cafe, 600 Hennepin Av #100

One Eyed Dog Ltd, dba Triple Rock, 629 Cedar Av

Tanner Madison Entities LLC, dba Legends Cafe, 825 E Hennepin Av

Joint/Caboose Operations LLC, dba Joint/Caboose, 913 Cedar Av

Toro Restaurant LLC, dba Barrio, 925 Nicollet Mall

Last Cowboy LLC, dba Bar Abilene, 1300 Lagoon Av

T M Entities LLC, dba Mayslacks Polka Lounge, 1428 4th St NE

FH Bill Inc, dba The Corner Bar, 1501 Washington Av S

Ballentine V F W Post 246, dba Ballentine VFW Post 246, 2916 Lyndale Av S

Belfast Enterprises LLC, dba McMahon's Pub, 3001 E Lake St

Noras Calhoun Inc, dba Tryg's, 3118 W Lake St

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2010

Mangia Nicklows & Friends LLC, dba Downtime, 1501 University Av SE, 1st floor

Kilimanjaro Cafe Inc. dba Kilimanjaro Café, 324 Cedar Av

Lurcat LLC, dba Cafe and Bar Lurcat, 1524 Harmon PI

NADLLC, dba Leaning Tower of Pizza, 2501 University Av SE

On-Sale Liquor Class C-2 with Sunday Sales, to expire July 5, 2009

La Que Buena Inc, dba La Que Buena, 1609 E Lake St (temporary expansion of premises & temporary outdoor entertainment, 10:00 a.m. to 10:00 p.m. 4th of July Celebration)

On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2010

Hubert's Inc, dba Huberts Bar & Grill, 601 Chicago Av

Favor Catering Company LLC, dba Favor Café, 913 W Lake St

Empire Eight LLC, dba Five Event Center, 2917 Bryant Av S

Pier Group LLC, dba Chiang Mai Thai Restaurant, 3001 Hennepin Av

On-Sale Liquor Class D with Sunday Sales, to expire July 1, 2010

101 Blu LLC, dba Aura Restaurant, 3001 Hennepin Av

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2010

 $\label{lem:michael Anthony Inc, dba Runyon's, 107 Washington Av N (downgrade from Class B with Sunday Sales$

Taste of Tailand of Minneapolis Inc, dba Taste of Thailand, 11 S 7th St

Starmac Inc, dba Champions Saloon & Eatery, 105 W Lake St

Atlas Restaurants LLC, dba Atlas Restaurant, 200 S 6th St, 1st floor

Phoenix Catering Inc, dba Joseph Catering, 336 Hoover St NE

Largo Enterprises Inc, dba Whitey's World Famous Saloon, 400 E Hennepin Av

Complete Beverage Service Inc, dba J J's Dry Dock Café, 401 3rd St N

Ramez Enterprises Inc., dba Arone's Bar, 500 Central Av NE

Cuzzy's Inc, dba Cuzzy's Grill & Bar, 507 Washington Av N

510 Groveland Assoc Minnesota Cooperative, dba La Belle Vie, 510 Groveland Av

FCA Restaurant Company LLC, dba Zahtar, 615 2nd Av S

U Otter Stop Inn Inc, dba U Otter Stop Inn, 617 Central Av NE

Tuttle Inc, dba Elsie's, 729 Marshall St NE

Parker Investments Inc, dba NE Yacht Club, 801 Marshall St NE

Ruth's Hospitality Group Inc, dba Ruth's Chris Steak House, 920 2nd Av S, Suite 100

Buca (Minneapolis) Inc, dba Buca Di Beppo, 1204 Harmon PI #1

Philip Wong Inc, dba Red Dragon, 2116 Lyndale Av S

Amor & Jon Inc, dba Rinata, 2451 Hennepin Av

Thao Brothers LLC, dba Sushi Tango, 3001 Hennepin Av

Club 46 Inc, dba Rachaels Club 46, 4601 Lyndale Av N

Al Vento Incorporated, dba Al Vento, 5001 34th Av S

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2009

Halek's Bar Inc, dba Halek's Bar, 2024 Washington Av N (add Sunday Sales to license)

On-Sale Liquor Class E, to expire July 1, 2010

Sanctuary Restaurant LLC, dba Sanctuary Restaurant, 903 Washington Av S

On-Sale Wine Class E with Strong Beer, to expire April 1, 2010

Los Andes Restaurant LLC, dba Los Andes Restaurant, 317 W Lake St

True Thai Restaurant Ltd, dba True Thai Restaurant, 2627 E Franklin Av.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 6/26/2009.

Absent – Colvin Roy, Samuels, Johnson.

Resolution 2009R-290, granting applications for Business Licenses, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-290 By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of June 26, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273556):

Dancing School; Fire Extinguisher Servicing - Class B; Confectionery; Food Market Distributor; Farm - Produce Permits; Grocery; Ice Producer - Dealer/Wholesale; Food Manufacturer; Food Market Manufacturer; Mobile Food Vendor; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Motor Vehicle Dealer - Used Only; Plumber; Secondhand Goods Class B; Antique Dealer Class B; Solicitor - Company; Solicitor - Individual; Suntanning Facility; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle Non-Transferable; Taxicab Vehicle; Tobacco Dealer; Valet Parking.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-291, granting applications for Gambling Licenses, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-291 By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273556):

Gambling Exempt

St. Bridgets Church, dba St. Bridgets Church, 3811 Emerson Av N (Raffle, Paddlewheel, Pulltabs and Bingo June 7, 2009, Sojouner Truth Academy)

Minnesota Security Dealers Association, dba Minnesota Security Dealers Association, 5858 Park Av (Raffle July 16, 2009, Seven Restaurant)

Northern Star Council BSA, dba Northern Star Council BSA, 393 Marshall Av, St. Paul (Raffle August 17, 2009, The Minikahda Club, 3205 Excelsior Blvd)

Minneapolis Uptown Rotary Community Services, dba Minneapolis Uptown Rotary Community Services, 3234 W Lake St (Raffle October 4, 2009, Midtown Global Market)

Jewish Family and Childrens Services, dba Jewish Family and Childrens Services, 13100 Wayzata Blvd, Suite 400 (Raffle December 5, 2009, Minneapolis Convention Center).

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Taste of Thailand, 11 S 7th St.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-292, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Taste of Thailand, 11 S 7th St, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-292 By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Taste of Thailand, 11 S 7th St.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on February 20, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions within a period of less than 24 months employees of Taste of Thailand sold alcohol to persons under the age of 21 in violation of the Minneapolis Code of Ordinances, State Statutes, and the established compliance check policy and procedures of the City of Minneapolis:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. Taste of Thailand agrees to prominently post a sign on the premises stating their policy is to check identification on everyone ordering alcohol.
- 2. Taste of Thailand agrees to develop and implement a written policy for employees regarding age verification and the consequences for failing Youth Alcohol Compliance checks and to provide it to the Licenses Division at the time of singing this agreement.
 - 3. Taste of Thailand agrees to have a trained manager present at all times the business is open.
- 4. Taste of Thailand will require all staff to attend alcohol server training within 30 days of signing of this agreement.
- 5. Taste of Thailand agrees to purchase an ID scanner for age verification and implement its use in accordance with their written policy within 30 days of signing this agreement.
- 6. Taste of Thailand will pay false alarm fees in the amount of \$330 at the conclusion of the License Settlement Conference hearing.
- 7. Taste of Thailand agrees to pay a \$3,000 sanction, stayed for a period of two years on the condition that all of the above recommendations are followed and they have no same or similar violations.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS – Your Committee, having under consideration the Grocery, Meat Market and On-Sale Wine Class E with Strong Beer Licenses held by Tacqueria Don Blass, Inc, dba Taco Blass, 3722 Chicago Av; and a license hearing having been held to determine whether the licensee failed to pay the pollution control annual billing in the amount of \$222, an administrative citation in the amount of \$550, and violations of the alcohol ordinances, now recommends denial of the renewal application for Grocery, Meat Market and On-Sale Wine Class E with Strong Beer Licenses held by Taco Blass.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by John J. Maher for the property located at 1819 25th Av N, and having received Findings of Fact, Conclusions and Recommendations arising from a Rental Dwelling License Board of Appeals hearing held on May 19, 2009, now recommends concurrence with the recommendation of the Board of Appeals that said license be revoked for failure to meet the licensing standard of conduct on licensed premises, pursuant to Section 244.2020 of the Minneapolis Code of Ordinances, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS – Your Committee recommends concurrence with the recommendation of the City Council to approve the appointment of Karen Barton, Ward 11, to the Housing Board of Appeals for a two-year term to expire December 31, 2011.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS – Your Committee, having under consideration the property located at 1155th St NE which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance condition under the Minneapolis Code of Ordinances; and the City Council on March 31, 2006 having approved demolition of the property, which was stayed subject to the property owner meeting certain conditions, now recommends that said Council action be rescinded, and that the proper City officers be authorized to demolish the property legally described as Lot 3, Block 16, Mill Cos Addition to St. Anthony Falls, in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Hofstede moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS - Your Committee, having under consideration the property located at 1155th St NE which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance condition under the Minneapolis Code of Ordinances; and the City Council on March 31, 2006 having approved demolition of the property, which was stayed subject to the property owner meeting certain conditions, now recommends continuance of a stay of demolition for 90 days. The stay will be granted provided these immediate conditions are met; the property is to be emptied and vacated by noon on July, 3rd 2009. An inspection will be conducted at that time by staff from the City to ensure that all combustibles and storage have been removed from all floors. All locked interior doors have been removed and all personal belongings removed to ensure that no one is living in the condemned building. In addition, there will be a restoration agreement forthcoming with a new owner that is working with staff. That Restoration Agreement will include the following but not limited to just these requirements;

Provide written documentation that the owner ship has been transferred through a warranty deed by July 17, 2009

Complete the comprehensive rehabilitation plan and provide a submission to Minneapolis Development Review (MDR) by August 31, 2009.

Complete and submit to staff a comprehensive financial plan with specific timelines to accomplish the scope of work of the MDR submission by August 31, 2009.

Construction on the rehabilitation is to start by September 30, 2009.

If these conditions are not met, the demolition order will stand and the building will be demolished. Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS – Your Committee, having under consideration the property located at 1800 E 31st St which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been mailed to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel; and the Panel having recommended that the Order to Demolish be upheld, now recommends that the property be **sent forward without recommendation**.

Schiff moved that the report be postponed. Seconded.

Adopted upon a voice vote 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS—Your Committee, having under consideration the property located at 2540 Cedar Av which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a and a Director's Order to Demolish the property having been mailed to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel; and the Panel having recommended that the Order to Demolish be upheld, now recommends that the Order for Demolition be stayed, and that the proper City officers be authorized to execute a Restoration Agreement with the property owner, which shall include that a new two-car garage be built on the property.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

$\label{thm:committees} The \mbox{PUBLIC SAFETY \& REGULATORY SERVICES} \ and \mbox{WAYS \& MEANS/BUDGET Committees} \\ submitted the following reports:$

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept Homeland Security and Emergency Management Grant #2008-HSGP-00771/200-12871, in the amount of \$1,469,000, to perform a gap analysis on Citizen Evacuation Shelter In Place throughout the Urban Area Security Initiative (UASI) region, create a five-year plan to address the gaps, and begin to implement the plan. Further, passage of the accompanying resolution appropriating \$1,469,000 to the Department of Regulatory Services.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

RESOLUTION 2009R-293 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the Grants – Federal Fund (01300-8352000) by \$1,469,000 and increasing the Revenue Estimate (01300-8352000) by \$1,469,000.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute the required contracts to accept grant funding in the amount of \$659,688 awarded to Hennepin County through the United States Department of Justice as part of the 2009 Edward Byrne Memorial Justice Assistance Grant to continue support for two Assistant City Attorney II positions assigned to police precincts (\$259,560); to fund activities of the Gang Enforcement Team and other precinct based gang suppression activities (\$300,060); and to purchase microphones for each patrol officer to be used in conjunction with the squad cameras (\$70,500). Funding will be available to the Police Department until September 30, 2012 or until completion of services, whichever is earlier.

Further, passage of the accompanying resolution appropriating a total of \$659,688 between the City Attorney's Office and the Police Department.

Adopted 6/26/2009.

Absent – Colvin Roy, Samuels, Johnson. Approved by Mayor Rybak 6/29/2009. (Published 6/30/2009)

RESOLUTION 2009R-294 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

- a. Increasing the appropriation for the City Attorney Agency in the Grants Federal Fund (01300-1400100) by \$259,560.
- b. Increasing the appropriation for the Police Department Agency in the Grants Federal Fund (01300-4002110) by \$400,128.
- c. Increasing the Revenue Source for the Police Department Agency in the Grants Federal Fund (01300-4002110-321010) by \$659,688.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Approved by Mayor Rybak 6/29/2009.

(Published 6/30/2009)

PS&RS & W&M/Budget — Your Committee recommends that the proper City officers be authorized to execute a Multi-Agency Law Enforcement Agreement with the City of St. Paul for the Police Department to participate in a multi-agency Internet Crimes Against Children Task Force, and to accept up to \$10,000 for overtime, training and additional reimbursable travel expenses as approved; and that the proper City officers be authorized to execute any contracts associated with this project. Further, passage of the accompanying resolution appropriating \$10,000 to the Police Department.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

RESOLUTION 2009R-295 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants –Federal Fund (01300-40033100) by \$10,000 and increasing the Revenue Source (01300-40033110-321010) by \$10,000.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS & W&M/Budget — Your Committee recommends that the proper City officers be authorized to execute a grant agreement with the Central Area Neighborhood Development Organization (CANDO) to accept \$12,500 to support a bicycle police patrol in the CANDO Neighborhood. Further, passage of the accompanying resolution appropriating \$12,500 to the Police Department.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

RESOLUTION 2009R-296 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (01600-4002300) by \$12,500 and increasing the Revenue Source (01600-4002300-375500) by \$12,500.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

PS&RS & W&M/Budget – Your Committee, having under consideration the American Recovery and Reinvestment Act, now recommends that the proper officers of the Fire Department, in consultation with the Public Works Department, be authorized to submit an application to the United States Department of Homeland Security's Assistance to Firefighters Fire Station Contraction Grants, which will provide financial assistance to fire departments on a competitive basis to build new or modify existing fire stations.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee recommends that the proper City officers be authorized to execute the required documents to acquire a permanent easement at 14th Ave N, between 1st St N and 2nd St N, from Standard Plymouth LLC, d/b/a Standard Heating and Air Conditioning, as set forth in Petn No 273566 on file in the office of the City Clerk.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

T&PW - Your Committee recommends passage of the accompanying resolution designating the location, streets, and improvements proposed to be made in the 2nd Ave N Street Lighting Project, Special Improvement of Existing Street No 2277.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Approved by Mayor Rybak 6/29/2009.

(Published 6/30/2009)

Resolution 2009R-297, designating the improvement of 2nd Ave N from Washington Ave N to 3rd St N, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-297 By Colvin Roy

2ND AVEN STREET LIGHTING PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 2277

Designating the improvement of certain existing streets at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by installing ornamental street lights together with all necessary appurtenances and work related thereto:

2nd Ave N from approximately the south ROW line of Washington Ave N to the north ROW line of 3rd St N.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Approved by Mayor Rybak 6/29/2009.

T&PW - Your Committee, having received a cost estimate of \$16,000 for street lighting improvements and the list of benefited properties for the 2nd Ave N Street Lighting Project, Special Improvement of Existing Street No 2277, as designated by Resolution 2009R-297 passed June 26, 2009, now recommends that the City Engineer be directed to prepare a proposed Street Lighting Special Improvement Assessment in the amount of \$16,000 against the list of benefited properties by applying the street influence zone area method.

Your Committee further recommends that a public hearing be held by the Transportation and Public Works Committee on July 21, 2009, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above-designated street lighting project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Approved by Mayor Rybak 6/29/2009.

(Published 6/30/2009)

T&PW - Your Committee reports that, in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to the establishment of street lighting districts (said Chapter 431 defining such street lighting district as an area wherein lighting in excess of minimum street lighting is provided and further providing that the City's costs over and above said minimum lighting shall be paid by the benefited property owners), the City Engineer has presented to your Committee the details required by said Chapter 431 in connection with proposed Street Lighting District 1335 for assessment of the maintenance and operation costs on additional street lighting for the convenience and safety of the area delineated as 2nd Ave N (streets to receive lighting are as designated in the 2nd Ave N Street Lighting Project, Special Improvement of Existing Street No 2277).

A summary of the facts relative to this assessment is as follows:

Number of assessable parcels in said district
Total assessable frontage in feet

15 600

Annual cost per foot

\$0.25

Your Committee recommends that if there should be an increase in the cost of street lighting in the future that the increased cost be reflected in the assessment.

Your Committee further recommends that a public hearing be held by the Transportation and Public Works Committee on July 21, 2009, in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances, to consider the establishment of said proposed Street Lighting District No 1335.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Approved by Mayor Rybak 6/29/2009.

(Publiched 6/30/2009)

T&PW - Your Committee recommends passage of the accompanying resolution designating the location, streets, and improvements proposed to be made in the 3rd Ave N Street Lighting Project, Special Improvement of Existing Street No 2278.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Approved by Mayor Rybak 6/29/2009.

(Published 6/30/2009)

Resolution 2009R-298, designating the improvement of 3rd Ave N from Washington Ave N to 5th St N, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-298 By Colvin Roy

3RD AVEN STREET LIGHTING PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 2278

Designating the improvement of certain existing streets at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by installing ornamental street lights together with all necessary appurtenances and work related thereto:

3rd Ave N from approximately the south ROW line of Washington Ave N to the north ROW line of 5th St N.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Approved by Mayor Rybak 6/29/2009.

T&PW - Your Committee, having received a cost estimate of \$115,000 for street lighting improvements and the list of benefited properties for the 3rd Ave N Street Lighting Project, Special Improvement of Existing Street No 2278, as designated by Resolution 2009R-298 passed June 26, 2009, now recommends that the City Engineer be directed to prepare a proposed Street Lighting Special Improvement Assessment in the amount of \$115,000 against the list of benefited properties by applying the street influence zone area method.

Your Committee further recommends that a public hearing be held by the Transportation and Public Works Committee on July 21, 2009, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above-designated street lighting project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 6/26/2009.

(Published 6/30/2009)

Absent - Colvin Roy, Samuels, Johnson. Approved by Mayor Rybak 6/29/2009.

T&PW - Your Committee reports that, in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to the establishment of street lighting districts (said Chapter 431 defining such street lighting district as an area wherein lighting in excess of minimum street lighting is provided and further providing that the City's costs over and above said minimum lighting shall be paid by the benefited property owners), the City Engineer has presented to your Committee the details required by said Chapter 431 in connection with proposed Street Lighting District 1336 for assessment of the maintenance and operation costs on additional street lighting for the convenience and safety of the area delineated as 3rd Ave N (streets to receive lighting are as designated in the 3rd Ave N Street Lighting Project, Special Improvement of Existing Street No 2278).

A summary of the facts relative to this assessment is as follows:

Number of assessable parcels in said district 11
Total assessable frontage in feet 600
Annual cost per foot \$1.25

Your Committee recommends that if there should be an increase in the cost of street lighting in the future that the increased cost be reflected in the assessment.

Your Committee further recommends that a public hearing be held by the Transportation and Public Works Committee on July 21, 2009, in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances, to consider the establishment of said proposed Street Lighting District No 1336.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson. Approved by Mayor Rybak 6/29/2009. (Published 6/30/2009)

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the Hennepin Ave Street Resurfacing Project, Special Improvement of Existing Street No 5205.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-299, designating the improvement of Hennepin Ave (southbound) from Franklin Ave to Douglas Ave, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-299 By Colvin Roy

2009 STREET RESURFACING PROGRAM HENNEPIN AVE STREET RESURFACING PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 5205

Designating the improvement of certain existing streets in the 2009 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed:

Hennepin Ave (southbound) from Franklin Ave to Douglas Ave.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

T&PW - Your Committee, having received a cost estimate of \$205,247 for street resurfacing improvements and a list of benefited properties for certain locations in the Hennepin Ave Street Resurfacing Project, Special Improvement of Existing Street No 5205 as designated by Resolution 2009R-299, passed June 26, 2009, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2009 Uniform Assessment Rates as per Resolution 2008R-571, passed December 12, 2008.

Your Committee further recommends that a public hearing be held by the Transportation and Public Works Committee on August 4, 2009, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the assessment repayment period for 2009 Street Resurfacing Projects, now recommends:

T&PW - Passage of the accompanying resolution changing the term for the repayment of assessments for all 2009 Street Resurfacing Projects from five (5) years to seven (7) years.

W&M/Budget - That the assessment repayment period for 2009 Street Resurfacing Projects remain at five (5) years.

Glidden moved that the report be amended by approving the Ways & Means/Budget Committee recommendation and deleting the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy, Samuels, Johnson.

The report, as amended, was adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

T&PW & W&M/Budget - Your Committee, to whom was referred back on June 12, 2009, a report relating to consideration of the 7th St N Street Resurfacing Project, Special Improvement of Existing Street No 5200, with staff requests as follows:

- a) Passage of the accompanying resolution ordering the work to proceed and adopting the special assessments for the project; and
- b) Passage of the accompanying resolution requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the project; now recommends:

T&PW - Approval of the staff requests, with the direction that the term for the repayment period for the special assessments be changed from five (5) to seven (7) years.

W&M/Budget - Approval of the staff requests, extending the term for repayment of special assessments for the following properties from five (5) to seven (7) years, with the remainder of the special assessments to be collected over a five (5) year period:

- 1150 7th St N;
- 921 12th Ave N;
- 1201 Bryant Ave N; and
- 1130 7th St N.

Glidden moved that the report be amended by approving the Ways & Means/Budget Committee recommendation and deleting the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy, Samuels, Johnson.

The report, as amended, was adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-300, ordering the work to proceed and adopting the special assessments for the 7th St N Project No 5200, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-300 By Colvin Roy and Ostrow

2009 STREET RESURFACING PROGRAM 7TH STN STREET RESURFACING PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 5200

Ordering the work to proceed and adopting the special assessments for the 7th St N Project.

Whereas, a public hearing was held on June 2, 2009 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2009R-198, passed May 8, 2009 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2009R-198, passed May 8, 2009.

Be It Further Resolved that the proposed special assessments in the total amount of \$175,049.14 for the 7th St North area as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the properties identified as:

- 1150 7th St N, Property ID 21-029-24-11-0079;
- 921 12th Ave N, Property ID 21-029-24-11-0046;
- 1201 Bryant Ave N, Property ID 21-029-24-11-0078; and
- 1130 7th St N, Property ID 21-029-24-11-0080;

be collected in seven (7) successive equal annual principal installments beginning on the 2010 real estate tax statements and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds.

Be It Further Resolved that for the assessments for all other properties the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2010 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed ate one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds with collection of the special assessments to begin on the 2010 real estate tax statements.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-301, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$175,045 for the purpose of paying the assessed cost of street improvements in the 7th St N Street Resurfacing Project No 5200, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-301 By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$175,045 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the 7th St N Street Resurfacing Project, Special Improvement of Existing Street No 5200, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

T&PW & W&M/Budget - Your Committee, having under consideration the 38th St E Street Resurfacing Project, Special Improvement of Existing Street No 5196, with staff requests as follows:

- a) Passage of the accompanying resolution ordering the work to proceed and adopting the special assessments for the project; and
- b) Passage of the accompanying resolution requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the project;
 now recommends:

T&PW - Approval of the staff requests, with the direction that the term for the repayment period for the special assessments be changed from five (5) to seven (7) years.

W&M/Budget - Approval of the staff requests, with the special assessment repayment period to remain at five (5) years.

Glidden moved that the report be amended by approving the Ways & Means/Budget Committee recommendation and deleting the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy, Samuels, Johnson.

The report, as amended, was adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-302, ordering the work to proceed and adopting the special assessments for the 38th St E Project No 5196, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-302 By Colvin Roy and Ostrow

2009 STREET RESURFACING PROGRAM 38TH STE STREET RESURFACING PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 5196

Ordering the work to proceed and adopting the special assessments for the 38th St E Project.

Whereas, a public hearing was held on June 16, 2009 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2009R-200, passed May 8, 2009 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2009R-200, passed May 8, 2009.

Be It Further Resolved that the proposed special assessments in the total amount of \$114,765.16 for the 38th St East area, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2010 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2010 real estate tax statements.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-303, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$114,765 for the purpose of paying the assessed cost of street improvements in the 38th St E Street Resurfacing Project No 5196, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-303 By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$114,765 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the 38th St E Street Resurfacing Project, Special Improvement of Existing Street No 5196, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

- **T&PW & W&M/Budget** Your Committee, having under consideration contracts for the construction of sidewalks, alleys, driveways, curbs, and gutters as needed through December 31, 2009 (OP 7060), now recommends that the following contracts be increased in order to utilize the full amount of the appropriation:
- a) Increase Contract C-26686 with Standard Sidewalk, Inc., by \$287,600, for a revised contract total of \$1,142,461:
- b) Increase Contract C-26687 with Concrete Idea, Inc., by \$165,200, for a revised contract total of \$917,435; and
- c) Increase Contract C-26690 with Concrete Idea, Inc., by \$161,400, for a revised contract total of \$1,151,630.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for "work for others" projects in the amount of \$150,000 for various private party work requests.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

RESOLUTION 2009R-304 By Colvin Roy and Ostrow

Amending The 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Capital Improvements Fund (04100-9010939 Project SWK0999) by \$150,000, to be reimbursed upon billing of private parties for privately requested sidewalk "work for others".

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolutions:

a) Receiving and accepting the final costs of various Surface Water & Sewer Division project work under the Stormwater and Sanitary Sewer Enterprise Funds and adjusting the capital appropriation as

necessary, thereby closing out the projects and reallocating excess revenue and bonds from the closed-out projects to other Surface Water & Sewer Division projects; and

b) Requesting the concurrence of the Board of Estimate and Taxation in the reallocation of already issued Sewer Bonds.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-305, receiving and accepting the final costs of various Surface Water and Sewer Division project work and adjusting the capital appropriation as necessary thereby closing the projects, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-305 By Colvin Roy and Ostrow

Receiving and accepting the final costs of various Surface Water and Sewer Division project work and adjusting the capital appropriation as necessary thereby closing the projects.

Resolved by The City Council of The City of Minneapolis:

That the final costs of all work described in the following Surface Water & Sewer Division project work under the Stormwater Enterprise Fund be received and accepted for the total amount specified and that the capital appropriation be adjusted as specified, thereby closing the projects:

- a) All sewer work related to the Central Avenue Northeast Project for a total of \$1,140,772.99. Surface Water and Sewer capital appropriations for 04100-9010000, Project C01074ST should be decreased by \$256,648.01 and additional revenue is needed to finalize this project in the amount of \$10,251.18;
- b) All sewer work related to the 2001 Storm Tunnel Rehabilitation Project for a total of \$4,130,903.29. Surface Water and Sewer capital appropriations for 07300-9010000, Project C01RHB should be decreased by \$141,452.71 and additional revenue is needed to finalize this project in the amount of \$187,239.08;
- c) All sewer work related to the Chain of Lakes Water Quality Improvement Project for a total of \$869,676.12. Surface Water and Sewer capital appropriations for 07300-9010000, Project C03COL should be decreased by \$188,323.88:
- d) All sewer work related to the 2003 Storm Tunnel Rehabilitation Project for a total of \$893,767.20. Surface Water and Sewer capital appropriations for 07300-9010000, Project C03RHB should be decreased by \$1,830,880.80;
- e) All sewer work related to the 2004 Combined Sewer Overflow Project for a total of \$1,911,851.33. Surface Water and Sewer capital appropriations for 07300-9010000, Project C04CSOST should be decreased by \$88,148.67 and excess Sewer Bonds shall be reallocated in the amount of \$88,148.73;
- f) All sewer work related to the 2004 Park Board Capital Storm Drain Project in the amount of \$370,590.61. Surface Water and Sewer capital appropriations for 07300-9010000, Project C04PBS should be decreased by \$229,409.39 and excess Sewer Bonds shall be reallocated in the amount of \$283,463.39;
- g) All sewer work related to the 2004 Storm Tunnel Rehabilitation Project for a total of \$972,794.49. Surface Water and Sewer capital appropriations for 07300-9010000, Project C04RHB should be decreased by \$1,827,205.51 and excess Sewer Bonds shall be reallocated in the amount of \$1,136,303.66;
- h) All sewer work related to the Chicago Avenue South (46th-49th) Project for a total of \$59,283.51. Surface Water and Sewer capital appropriations for 07300-9010000, Project C16525ST should be decreased by \$57,716.49;

- i) All sewer work related to the SEMI Phase I Project for a total of \$220,269.55. Surface Water and Sewer capital appropriations for 07300-9010000, Project C27506ST should be decreased by \$439,730.45;
- j) All sewer work related to the SEMI Phase II Project for a total of \$0.00. Surface Water and Sewer capital appropriations for 07300-9010000, Project C27507ST should be decreased by \$388,000.00;
- k) All sewer work related to the Second Street Southeast Commercial Project in the amount of \$7,516.28. There is no remaining sewer work capital appropriations for 07300-9010000, Project C2NDSEST:
- I) All sewer work related to the Hennepin Avenue South Phase I Project in the amount of \$322,163.05. There is no remaining sewer work capital appropriations for 07300-901000, Project C42502ST:
- m) All sewer work related to the Nicollet Avenue South Phase II Project in the amount of \$100,226.50. Surface Water and Sewer capital appropriations for 07300-9010000, Project C43002 should be increased by \$226.50 and additional revenue is needed to finalize this project in the amount of \$76,226.50:
- n) All sewer work related to the Heritage Park Redevelopment Project for a total of \$723,289.00. Surface Water and Sewer capital appropriations for 07300-9010000, Project CCDA01 should be decreased by \$26,711.00;
- o) All sewer work related to the Flood Area 1 42nd & Russell Avenue North Project for a total of \$6,425,094.20. Surface Water and Sewer capital appropriations for 07300-9010000, Project CFLA01 should be increased by \$108,274.75 and additional revenue is needed to finalize this project in the amount of \$291,444.15;
- p) All sewer work related to the Flood Area 18 I-35W Tunnel Project for a total of \$486,074.02. Surface Water and Sewer capital appropriations for 07300-9010000, Project CFLA18 should be increased by \$186,074.02 and additional revenue is needed to finalize this project in the amount of \$186,074.02:
- q) All sewer work related to the Flood Area 19 44th & Aldrich Avenue South Project for a total of \$4,759,324.75. Surface Water and Sewer capital appropriations for 07300-9010000, Project CFLA19 should be decreased by \$70,220.61 and additional revenue is needed to finalize this project in the amount of \$1,278,098.49;
- r) All sewer work related to the Lake Hiawatha New Storm Drain Project in the amount of \$4,760,312.70. Surface Water and Sewer capital appropriations for 07300-9010000, Project CFLA27ST should be increased by \$808.70;
- s) All sewer work related to the Franklin Avenue West Project in the amount of \$0.00. Surface Water and Sewer capital appropriations for 07300-9010000, Project CFRANKST should be decreased by \$86,000.00;
- t) All sewer work related to the Flood Areas 12, 21 and 22 Project for a total of \$6,274,552.63. Surface Water and Sewer capital appropriations for 07300-9010000, Project CPND12 should be decreased by \$1,840,447.37 and excess Sewer Bonds shall be reallocated in the amount of \$166,051.95;
- u) All sewer work related to the Flood Area 34 60th & 1st Avenue South Project for a total of \$8,392,535.43. Surface Water and Sewer capital appropriations for 07300-9010000, Project CPND34 should be decreased by \$7,464.57 and additional revenue is needed to finalize this project in the amount of \$991,558.00;
- v) All sewer work related to the 15th Avenue Southeast MSA Reconstruction Project in the amount of \$14,242.72. Surface Water and Sewer capital appropriations for 07300-9010000, Project CPV013ST should be decreased by \$40,757.28 and excess revenue shall be reallocated in the amount of \$32,346.17:
- w) All sewer work related to the LaSalle Avenue South Project in the amount of \$70,341.00. There is no remaining sewer work capital appropriations for 07300-901000, Project CPV014ST;
- x) All sewer work related to the 27th Avenue South Project in the amount of \$457,800.09. Surface Water and Sewer capital appropriations for 07300-9010000, Project CPV015ST should be decreased by \$208,199.91 and excess Sewer Bonds shall be reallocated in the amount of \$42,199.91;

- y) All sewer work related to the Lyndale Avenue North Project in the amount of \$105,115.45. Surface Water and Sewer capital appropriations for 07300-9010000, Project CPV022ST should be decreased by \$143,884.55;
- z) All sewer work related to the 50th Street East Project in the amount of \$640,051.32. Surface Water and Sewer capital appropriations for 07300-9010000, Project CPV042ST should be decreased by \$218,948.68 and excess Sewer Bonds shall be reallocated in the amount of \$209,948.68;
- aa) All sewer work related to the Bryn Mawr South Renovation Project in the amount of \$87,669.76. There is no remaining sewer work capital appropriations for 07300-9010000, Project CPV503ST;
- bb) All sewer work related to the Lynnhurst Renovation Phase I Project in the amount of \$27,872.05. Surface Water and Sewer capital appropriations for 07300-9010000, Project CPV603ST should be decreased by \$30,127.95;
- cc) All sewer work related to the Lynnhurst Renovation Phase II Project in the amount of \$0.00. Surface Water and Sewer capital appropriations for 07300-9010000, Project CPV703ST should be decreased by \$129,000.00 and excess Sewer Bonds shall be reallocated in the amount of \$129,000.00:
- dd) All sewer work related to the 2005 Storm Drain Rehabilitation Project in the amount of \$1,243,122.15. Surface Water and Sewer capital appropriations for 07300-9010000, Project CSW501 should be decreased by \$1,312,616.37 and excess Sewer Bonds shall be reallocated in the amount of \$1,703,518.22;
- ee) All sewer work related to the 2005 Combined Sewer Overflow Project in the amount of \$3,192,130.77. Surface Water and Sewer capital appropriations for 07300-9010000, Project CSW505 should be decreased by \$397,069.23 and additional revenue is needed to finalize this project in the amount of \$44,664.77;
- ff) All sewer work related to the 2005 Park Board Storm Drain Capital Project in the amount of \$0.00. Surface Water and Sewer capital appropriations for 07300-9010000, Project CSW507 should be decreased by \$150,000.00;
- gg) All sewer work related to the 2006 Storm Drain & Sewer Rehabilitation Project in the amount of \$1,742,123.39. Surface Water and Sewer capital appropriations for 07300-9010000, Project CSW601 should be decreased by \$132,876.61 and excess Sewer Bonds shall be reallocated in the amount of \$207,128.62;
- hh) All sewer work related to the 2006 Miscellaneous Storm Drain Project in the amount of \$44,224.43. Surface Water and Sewer capital appropriations for 07300-9010000, Project CSW602 should be decreased by \$175,775.57:
- ii) All sewer work related to the 2007 Miscellaneous Storm Drain Project in the amount of \$82,325.39. Surface Water and Sewer capital appropriations for 07300-9010000, Project CSW702 should be decreased by \$137,674.61;
- jj) All sewer work related to the 2007 Storm Drain & Tunnel Rehabilitation Project in the amount of \$482,421.41. Surface Water and Sewer capital appropriations for 07300-9010000, Project CSW711 should be decreased by \$717,578,59 and excess Sewer Bonds shall be reallocated in the amount of \$675,747.99;
- kk) All sewer work related to the 2008 Miscellaneous Storm Drain Project in the amount of \$164,170.88. Surface Water and Sewer capital appropriations for 07300-9010000, Project CSW802 should be decreased by \$55,829.12;
- II) All sewer work related to the 2008 Implement Stormwater Regulations Project in the amount of \$0.00. Surface Water and Sewer capital appropriations for 07300-9010000, Project CSW804 should be decreased by \$250,000.00:
- mm) All sewer work related to the Miscellaneous Residential Segments 1999 Project in the amount of \$0.00. Surface Water and Sewer capital appropriations for 07300-9010000, Project C99RES should be decreased by \$37,000.00 and excess Sewer Bonds shall be reallocated in the amount of \$37,000.00;

- nn) All sewer work related to the Flood Area #26 Project in the amount of \$9,220,581.19. Surface Water and Sewer capital appropriations for 07300-9010000, Project CPND26 should be decreased by \$1,579,418.81 and additional revenue is needed to finalize this project in the amount of \$735,581.19;
- oo) All sewer work related to the 2006 Implement Stormwater Regulations Project in the amount of \$151,129.54. Surface Water and Sewer capital appropriations for 07300-9010000, Project CSW604 should be increased by \$1,129.54 and additional revenue is needed to finalize this project in the amount of \$1,129.54;
- pp) All sewer work related to the Light Rail Downtown Transit Project in the amount of \$4,450,684.47. Surface Water and Sewer capital appropriations for 07300-9010000, Project CLRTDT should be decreased by \$1,434,143.53 and additional revenue is needed to finalize this project in the amount of \$157,188.19;
- qq) All sewer work related to the Diamond Lake 35W/62 Water Quality Project in the amount of \$563,395.36. Surface Water and Sewer capital appropriations for 07300-9010000, Project CSW028 should be increased by \$66,395.36 and additional revenue is needed to finalize this project in the amount of \$66,395.36:

Be It Further Resolved that as result of the above close-out of Projects e, f, g, t, x, z, cc, dd, gg, jj, and mm, \$4,678,511.15 of sewer bonds becomes available for reallocation. This entire amount shall be reallocated as follows:

- \$10,251.18 to Central Avenue NE, 07300-9010000, Project C01074ST (this project is being closed out);
- \$154,892.91 to 2001 Storm Tunnel Rehabilitation, 07300-9010000, Project C01RHB (see next Resolved clause);
- \$76,226.50 to Nicollet Avenue S Phase II, 07300-9010000, Project C43002 (this project is being closed out);
- \$291,444.15 to Flood Area 1 42nd & Russell Avenue North, 07300-9010000, Project CFLA01

 (this project is being closed out);
- \$186,074.02 to Flood Area 18 I-35W Tunnel, 07300-9010000, Project CFLA18 (this project is being closed out);
- \$1,278,098.49 to Flood Area 19 44th & Aldrich Avenue South, 07300-9010000, Project CFLA19 - (this project is being closed out);
- \$991,558.00 to Flood Area 34 60th & 1st, 07300-9010000, Project CPND34 (this project is being closed out);
- \$44,664.77 to 2005 Combined Sewer Overflow, 07300-9010000, Project CSW505 (this
 project is being closed out);
- \$735,581.19 to Flood Area #26, 07300-9010000, Project CPND26 (this project is being closed out);
- \$1,129.54 to 2006 implement Stormwater Regulations, 07300-9010000, Project CSW604 -(this project is being closed out);
- \$157,188.19 to Light Rail Downtown Transit, 07300-9010000, Project CLRTDT (this project is being closed out);
- \$66,395.36 to Diamond Lake 35W/62 Water Quality, 07300-9010000, Project CSW028 (this
 project is being closed out); and
- \$685,006.85 to Near North Stage 1 Storm Drain, 07300-9010000, Project CNNSD1 (this
 project is not being closed out).

Be It Further Resolved that as a result of the above close-out of Project v, \$32,346.17 of revenue becomes available for reallocation. This entire amount shall be reallocated as follows:

\$32,346.17 to 2001 Storm Tunnel Rehabilitation, 07300-9010000, Project C01RHB - (this
project is being closed out - see second bullet above).

Be It Further Resolved that the final costs of all Surface Water & Sewer Division project work under the Sanitary Sewer Enterprise Fund (07100) described in the following projects be received and accepted for the total amount specified and adjust the capital appropriation as specified thereby closing the specified projects:

- rr) All sewer work related to the Lynnhurst Renovation Project in the amount of \$0.00. The Surface Water and Sewer capital appropriations for 07100-9010000, Project CPV603 should be decreased by \$57,000.00:
- ss) All sewer work related to the 2006 Sanitary Rehabilitation Project in the amount of \$645,772.77. The Surface Water and Sewer capital appropriations for 07100-9010000, Project CSW601 should be increased by \$20,772.77 and excess Sewer Bonds shall be reallocated in the amount of \$70,677.23; and
- tt) All sewer work related to the 2007 Sanitary Rehabilitation Project in the amount of \$503,177.30. The Surface Water and Sewer capital appropriations for 07100-9010000, Project CSW701 should be increased by \$3,177.30 and additional revenue is needed to finalize this project in the amount of \$3,177.30.

Be It Further Resolved that as result of the above close-out of Projectss, \$70,677.23 of sewer bonds becomes available for reallocation. This entire amount shall be reallocated as follows:

- \$3,177.30 to 2007 Sanitary Rehabilitation, 07100-9010000, Project CSW701 (this project is being closed out); and
- \$67,499.93 to 2008 Sanitary Rehabilitation, 07100-9010000, Project CSW801- (this project is not being closed out). Increase appropriation and revenue source 384601 in the amount of \$67,499.93.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-306, requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Sewer Bonds in the amount of \$4,749,188.38, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-306 By Colvin Roy and Ostrow

Requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Sewer Bonds in the amount of \$4,749,188.38.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to concur with the reallocation of already issued Sewer Bonds in the total amount of \$4,749,188.38 from the following projects:

- 2004 Combined Sewer Overflow Project (07300-9010000, Project C04CSOST) in the amount of \$88,148.73;
- 2004 Park Board Capital Storm Drain Project (07300-9010000, Project C04PBS) in the amount of \$283,463.39;
- 2004 Storm Tunnel Rehabilitation Project (07300-9010000, Project C04RHB) in the amount of \$1,136,303.66;
- Flood Areas 12, 21 and 22 Project (07300-9010000, Project CPND12) in the amount of \$166,051.95;
- 27th Avenue South Project (07300-9010000, Project CPV015ST) in the amount of \$42,199.91;
- 50th Street East Project (07300-9010000, Project CPV042ST) in the amount of \$209,948.68;
- Lynnhurst Renovation Phase II Project (07300-9010000, Project CPV703ST) in the amount of \$129,000.00;
- 2005 Storm Drain Rehabilitation Project (07300-9010000, Project CSW501) in the amount of \$1,703,518.22;

- 2006 Storm Drain & Sewer Rehabilitation Project (07300-9010000, Project CSW601) in the amount of \$207,128.62;
- 2007 Storm Drain & Tunnel Rehabilitation Project (07300-9010000, Project CSW711) in the amount of \$675,747.99;
- Miscellaneous Residential Segments 1999 Project (07300-9010000, Project C99RES) in the amount of \$37,000.00; and
- 2006 Sanitary Rehabilitation Project (07100-9010000, Project CSW601) in the amount of \$70,677.23;

to the following projects:

- Central Avenue NE (07300-9010000, Project C01074ST) in the amount of \$10,251.18;
- 2001 Storm Tunnel Rehabilitation (07300-9010000, Project C01RHB) in the amount of \$154,892.91;
- Nicollet Avenue S Phase II (07300-9010000, Project C43002) in the amount of \$76,226.50;
- Flood Area 1 42nd & Russell Avenue North (07300-9010000, Project CFLA01) in the amount of \$291,444.15;
- Flood Area 18 I-35W Tunnel (07300-9010000, Project CFLA18) in the amount of \$186,074.02;
- Flood Area 19 44th & Aldrich Avenue South (07300-9010000, Project CFLA19) in the amount of \$1,278,098.49;
- Flood Area 34 60th & 1st (07300-9010000, Project CPND34) in the amount of \$991,558.00;
- 2005 Combined Sewer Overflow (07300-9010000, Project CSW505) in the amount of \$44,664.77;
- Flood Area #26 (07300-9010000 Project CPND26) in the amount of \$735,581.19;
- 2006 implement Stormwater Regulations (07300-9010000, Project CSW604) in the amount of \$1,129.54;
- Light Rail Downtown Transit (07300-9010000, Project CLRTDT) in the amount of \$157,188.19;
- Diamond Lake 35W/62 Water Quality (07300-9010000, Project CSW028) in the amount of \$66,395.36;
- Near North Stage 1 Storm Drain (07300-9010000, Project CNNSD1) in the amount of \$685,006.85;
- 2007 Sanitary Rehabilitation (07100-9010000, Project CSW701) in the amount of \$3,177.30; and
- 2008 Sanitary Rehabilitation (07100-9010000, Project CSW801) in the amount of \$67,499.93.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the execution of a Minnesota Ballpark Authority (MBA) Right-of-Entry Agreement with respect to the MBA property for Cedar Lake Trail, Phase III.

Your Committee further recommends that the proper City officers be authorized to negotiate and execute permanent easements for the appraised fair market value across the Minnesota Ballpark Authority parcels for trail and other transportation- related uses.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-307, approving a right of entry agreement with Minnesota Ballpark Authority for Cedar Lake Trail - Phase III, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-307 By Colvin Roy and Ostrow

Approving right of entry agreement with Minnesota Ballpark Authority for Cedar Lake Trail - Phase III.

Whereas, the City of Minneapolis (the "City") completed Phase I and Phase II of the Cedar Lake Trail between the West City limits and Royalston Avenue in 1995; and

Whereas, extension of the Cedar Lake Trail from Royalston Avenue to the Mississippi River ("Cedar Lake Trail Phase III a/k/a Cedar Lake Bike Trail Phase III") is a high priority for the City of Minneapolis ("City") and its residents; and

Whereas, in a Council action on December 17, 1999, the City Council authorized the City to enter into two easements for the Cedar Lake Bike Trail Phase III; and

Whereas, in a Council action on March 2, 2001, the City Council authorized the Director of Public Works to develop a temporary bike route plan for Cedar Lake Trail Phase III due to construction delays caused by other projects in the area; and

Whereas, in 2001, the City Council adopted Resolution 2001R-147 amending the 2001 Capital Improvement Appropriation Resolution, which included an increase to the budget for the Cedar Lake Bike Trail of \$300,000 with the revenue source being the settlement from the Federal Reserve Bank Project Tax Increment Financing District for the off-site public improvements; and

Whereas, in a Council action on August 24, 2001, the City Council authorized the proper City officers to apply for a series of federal funds (TEA-21) including \$2,160,000 for Cedar Lake Bike Trail Phase III; and

Whereas, in a Council action on September 28, 2001, the City Council authorized the expenditure of \$40,000 from the Commuter Bike Fund System (4100-943-9470-Project A7002990) for a temporary bike lanes alignment for the Cedar Lake Trail Phase III; and

Whereas, in 2004, the City Council adopted Resolution 2004R-580 approving the 2005-2009 Five Year Capital Budget, which included an appropriation of \$2,160,000 for the Cedar Lake Trail Phase III Project with the revenue source being the Federal Government; and

Whereas, in 2005, the City Council adopted Resolution 2005R-075 supporting the completion of the Cedar Lake Bike Trail to the Mississippi River; and

Whereas, in 2005, the City Council adopted Resolution 2005R-661 requesting the issuance and sale of bonds including the Cedar Lake Bike Phase III Project; and

Whereas, in 2005, the City Council adopted its Resolution 2005R-658 approving the 2006-2010 Five Year Capital Budget which included an appropriation of \$583,000 for the Cedar Lake Bike Phase III Project, with the revenue source being Net Debt Bonds; and

Whereas, on November 17, 2006, the City Council authorized execution of Metropolitan Council Grant Agreement No SG-2006-145 in the amount of \$1,800,000 for the Cedar Lake Trail Phase III Project; and

Whereas, in 2006, the City Council adopted Resolution 2006R-584 increasing the appropriation to PW-Fund (0600-943-9480) by \$1,800,000 and increasing the revenue source (0600-943-9480-3215) by \$1,800,000; and increasing the appropriation in PW-Fund (4100-943-9470-BIKOI) by \$1,800,000 and increasing the revenue source (4100-943-9470-3215) by \$1,800,000; and

Whereas, in 2006, the City Council adopted Resolution 2006R-634 authorizing City representatives to enter into negotiations with abutting owners for the acquisition of trail easements; and

Whereas, on March 9, 2007, the City Council authorized the acquisition by negotiation or condemnation of permanent and temporary trail easements encumbering certain real estate for completion of the Cedar Lake Trail, Phase III Project; and

Whereas, in Resolution 2009R-079 on March 6, 2009, the City Council authorized the execution of an agreement between the City and Hennepin County Regional Railroad Authority ("HCRRA") for cooperation in the acquisition of transportation easements by the City for construction of a portion of

the Cedar Lake Trail, Phase III (and anticipating other possible transportation and utility uses of those easements ("HCRRA Agreement"); and

Whereas, it is necessary for the City to commence construction of the Cedar Lake Trail, Phase III Project in 2009 in order to meet state and federal funding deadlines and the City's obligations under an agreement with the Minnesota Department of Transportation, the Northstar Corridor Development Authority, and the Metropolitan Council; and

Whereas, construction of the Cedar Lake Trail, Phase III Project requires that the City secure use permits to permit construction of the trail on four parcels owned by HCRRA (which permits HCRRA has agreed to issue pursuant to the HCRRA Agreement); and

Whereas, the City has begun the right-of-way acquisition process for the Cedar Lake Trail, Phase III Project, including an approximately 12 foot trail easement parallel to the property secured for the Northstar project between North 5th Street and Washington Avenue in the vicinity of where the Northstar Commuter Rail Line and the Hiawatha Light Rail Line connect, and where several other rail transit lines currently under study will converge at an intermodal station; and

Whereas, it is necessary and convenient to install stormwater improvements within portions of the Cedar Lake Trail, Phase III Project; and

Whereas, the City has requested permanent easements from the Minnesota Ballpark Authority ("MBA") to enable the City to construct the portion of the Cedar Lake Trail between Royalston Avenue and Fifth Street North across property owned by MBA ("MBA Property"); and

Whereas, the City has retained an independent real estate appraiser ("City's Appraiser") to express an opinion of the damages which will be caused to the MBA Property by the granting of the easements; and

Whereas, the City's Appraiser has not yet completed his work so that the City will not be able to present a formal written offer to the MBA before June 15, 2009; and

Whereas, the City's agreement with Northstar Corridor Development Authority relating to the Northstar commuter train requires the City to construct temporary access to the Northstar platform for emergency and maintenance vehicles by August 1, 2009; and

Whereas, City staff believe that they will be able to secure a right of entry from the owners of Cedar Lake Trail Parcels 14 and 15 upon terms and conditions under which the City will be able to begin construction of the temporary access to the Northstar platform for emergency and maintenance vehicles on those Parcels by July 6, 2009; and

Whereas, representatives of MBA and City staff have reached tentative agreement on the terms and conditions of a proposed Right of Entry Agreement ("MBA Right of Entry Agreement") as set forth in Petn No 273567 on file in the office of the City Clerk;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Finance Officer and Director of Public Works of the City are hereby authorized to execute the MBA Right of Entry Agreement with respect to the MBA Property, in substantially the form as set forth in Petn No 273567 on file in the office of the City Clerk, and deliver it to the MBA if MBA will do the same.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution reallocating excess Municipal State Aid (MSA) dollars from the Railroad Safety Improvement Program to the 1st Ave N and Hennepin Ave One-Way to Two-Way Conversion Project (1st St to 12th St S) to allow for the installation of overhead signal indications along the Hennepin Avenue portion of the project.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

RESOLUTION 2009R-308 By Colvin Roy and Ostrow

Amending The 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Decreasing the Paving Construction Capital appropriation (04100-9010943 Project CTR613) and revenue source (04100-9010943-321514) by \$186,000;
- b) Decreasing the Paving Construction Capital appropriation (04100-9010943 Project CTR713) and revenue source (04100-9010943-321514) by \$313,000; and
- c) Reallocating the Municipal State Aid dollars available from (a) and (b) to the 1st Ave N and Hennepin Ave One-Way to Two-Way Conversion Project by increasing the appropriation for the PW-Capital Improvements Fund (04100-9010937 Project CPV050) and the revenue source (04100-9010937-321514) by \$499,000.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

T&PW & W&M/Budget - Your Committee, having under consideration the low responsive bid submitted to the Public Works Department on OP No 7138 from Lund Martin Construction, Inc., in the amount of \$5,821,450, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the Parking Ramp B improvements for the City of Minneapolis Public Works Department, in accordance with specifications prepared by SEH, now recommends:

T&PW - Approval.

W&M/Budget - Rejection of all bids relating to OP No 7138 and that staff be directed to proceed with solicitation of rebids.

Glidden moved that the report be amended by approving the Ways & Means/Budget Committee recommendation and deleting the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy, Samuels, Johnson.

The report, as amended, was adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-309, authorizing settlement of *Santos Arroyo-Ramirez v. City of Minneapolis*, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-309 By Ostrow

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *Santos Arroyo-Ramirez v. City of Minneapolis*, by payment of \$15,000 to Santos Arroyo-Ramirez, and his attorneys, Robichaud & Anderson, from the Internal Service Self Insurance Fund (06900-1500100-145400).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

W&M/Budget - Your Committee recommends authorizing proper City officers to submit a grant request to the Minneapolis Foundation in the amount of \$75,000 to assist the Voter Education and Outreach Program related to the Ranked Choice Voting (RCV) General Election of November 3, 2009 (Petn No 273571).

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

W&M/Budget - Your Committee recommends approval of the following eight charitable campaign federations to participate in the 2009 City of Minneapolis Charitable Campaign.

- a) Community Solutions Fund;
- b) Community Health Charities;
- c) Hennepin History Museum;
- d) Open Your Heart to the Hungry and Homeless;
- e) United Negro College Fund;
- f) United Arts;
- g) Minnesota Environmental Fund; and
- h) United Way of Minneapolis Area.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

W&M/Budget - Your Committee, having under consideration the Minneapolis Tap Water Awareness Sponsorship, now recommends the following:

- a) Authorizing proper City officers to amend the City's contract C-26372 by increasing the amount by \$5,000 to reflect the donation made by Pentair Inc. for educational purposes.
 - b) Passage of the accompanying resolution accepting donation.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

Resolution 2009R-310, accepting donation designated for Minneapolis Tap Water Awareness, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-310 By Ostrow

Accepting donation designated for Minneapolis Tap Water Awareness.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the generous donation from Pentair Inc. in the amount of \$5,000 to be used in the campaign for the marketing and promotion of Minneapolis tap water. Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

W&M/Budget - Your Committee, having under consideration the City's Procedures for Issuance of Requests for Proposal (RFP) and the professional services contracting processes, now recommends the following:

- a) Raise from \$50,000 to \$1,000,000 the threshold for the City Council to authorize the issuance of an RFP; and
- b) Instruct the Business Process Improvement (BPI) Professional Services Procurement Committee to develop in conjunction with the Permanent Review Committee (PRC) new protocols and procedures for implementing the RFP and professional services contracting process. (Petn No 273573)

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

W&M/Budget - Your Committee, having under consideration the City of Minneapolis Employees' Metropass Program, now recommends the following:

- a) Authorize proper City officers to enter into a five-year contract, effective August 1, 2009, with the Metropolitan Council to provide Metropasses to eligible City of Minneapolis employees. The program price for the first year of the contract will be approximately \$471,504 (based on the current monthly Metropass price of \$76 times 517 program participants). The program price will be re-calculated after six months to reflect the increased or decreased number of participating employees. The program price for subsequent years of the contract will be based on the then current cost of a Metropass times the actual number of participants. The contract may be terminated by the City upon 30 days written notice.
- b) Directs Human Resources and Finance Departments continue to maintain the Metropass reserve account in the Self-Insurance Fund.
- c) Authorize the Director of Human Resources to increase employee contributions to prevent a deficit in the Metropass reserve account.
- d) Authorize proper City officers to implement a \$15 per month increase in pre-tax contributions for Metropass program participants. The new contribution amount of \$60 per month (\$50 for MPEA-represented employees) was developed in collaboration with the Benefits Sub-committee of the Citywide Labor Management Committee and will be reflected in employee paychecks dated July 17, 2009.

Adopted 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

W&M/Budget - Your Committee, having under consideration a report from staff in accordance with the 2009 Revised Budget adoption, directing staff to report back regarding potential cost savings from closing the public health lab and to work with the Police Department, Regulatory Services and other departments to determine whether or not there would be any additional costs incurred by other departments, now recommends that the following recommendations be sent forward without recommendation.

SCENARIO	<u>SERVICE COVERAGE</u>
#1	Close the Public Health Lab and use Bureau of Criminal Apprehension (BCA) - one
	time purchase of equipment in 2010.
#2	MPD does own drug testing, School Based Clinics purchase outside lab work &
	related services
#3a	Reduced health lab for drug testing, lead testing, and School Based Clinic purchase
	outside lab work & related services
#4	MPD funds positions and buys equipment for BCA, School Based Clinics purchase
	outside lab work & related services
#5	Close the Public Health Lab, effective January 1, 2010.

Ostrow moved that the report be referred back to the Health, Energy & Environment, Public Safety & Regulatory Services and Ways & Means/Budget Committees. Seconded.

Adopted upon a voice vote 6/26/2009.

Absent - Colvin Roy, Samuels, Johnson.

The ZONING & PLANNING Committee submitted the following reports:

Z&P-Your Committee, having under consideration the application of Catalyst Community Partners for a waiver from Interim Ordinance 2008-Or-083, providing for a moratorium on the establishment, reestablishment, intensification or expansion of reception, banquet, rental and/or meeting halls outside of the B4, B4S and B4C zoning districts (passed 11/7/2008), to permit application to establish a reception hall at 1200 West Broadway, now recommends that said waiver be granted, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 6/26/2009.

Absent - Ostrow, Colvin Roy, Samuels, Johnson.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of David Peterson (BZZ-4361) to rezone the property at 1235 4th Street NE from R2B to the C1 District to permit an art gallery and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 6/26/2009.

Absent - Ostrow, Colvin Roy, Samuels, Johnson.

Ordinance 2009-Or-051, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1235 4th Street NE to the C1 District, was adopted 6/26/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-051 By Schiff 1st & 2nd Readings: 6/26/2009

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 21, Block 3, Cutters Addition to Minneapolis, Hennepin County, Minnesota (1235 4th Street NE - Plate 9) to the C1 District.

Adopted 6/26/2009.

Absent - Ostrow, Colvin Roy, Samuels, Johnson.

- **Z&P** Your Committee, having under consideration the Lyn-Lake Small Area Plan, as an articulation of and amendment to the policies found in *The Minneapolis Plan for Sustainable Growth*, now recommends:
- a) Concurrence in the recommendation of the Planning Commission that the findings prepared by the Department of Community Planning & Economic Development staff be adopted, and that said Plan be adopted as a small area plan and as an articulation of and amendment to the policies found in the City's comprehensive plan, subject to the following changes:
- 1) On page 41: Building height and character is discussed in the context of each character area below. However, some general principals apply to the whole study area. Higher heights should be concentrated in the Activity Center, and height above six stories (84 feet) should be substantially set back from the lower floors.

2) On page 42: Thus, it is recommended that when new development is constructed the building face along Lyndale Avenue South or West Lake Street not exceed six stories (84 feet) in the Activity Center so that the new construction will fit into the existing context at the street level and not detract from the existing character.

If additional height is proposed, the additional stories should be substantially set back from the lower floors so they do not increase the amount of shadowing that would be created by the six story facade. However, there may be situations in which the provision of quality amenities may be a trade off for increased shadowing.

3) On pages 45 and 59: On the north side of West Lake Street, buildings should be encouraged to provide setbacks to create additional space for outdoor seating and other amenities. In particular taller buildings should offer additional public outdoor spaces complaint with the Comprehensive Plan's Winter Cities standards as an amenity.

If proposed buildings exceed the height of the base zoning, the potential impacts should be balanced by the provision of street level public amenities, such as privately owned, semi-public open space that opens up and connects to the existing sidewalk on the north side of West Lake Street having the effect of creating an expanded sidewalk, public alcoves/plazas, or other public amenities to substantially enhance the pedestrian realm. The resulting spaces should be designed in compliance with Winter Cities standards as stated in the Comprehensive Plan and the Plaza Standards, when applicable, in promoting four-season use.

- b) That the Plan be further amended as follows:
- 1) Chapter 5 Parks, Open Space, and Sustainability, 1st page, 3rd paragraph (page 14 of 20): "In addition, opportunities may exist to enhance spaces within the Midtown Greenway, particularly with the addition of a potential future <u>rail</u> transit station. A rail transit station in the Greenway is an opportunity to create a public, or publicly-accessible, plaza down at the trail-and-transit elevation contiguous with the train station. Development fronting a well designed lower level open space at the train station has the potential to weave together the Midtown Greenway with surrounding areas up above it. Elsewhere, a A-promenade along the top edge of the Midtown Greenway would provide linear open space in a plaza like form for mobility along the trench rim and overlooks. On the Greenway's north edge, such a promenade can also provide important connections to stairways and ramps for trail access. It may be appropriate for some developments on the north side of the Greenway to open up at the lower level in some key locations (introducing more access on the south side of the Greenway is discouraged because if rail is implemented it will be placed on the south side). Development with well designed open space has the potential to weave together the Midtown Greenway and surrounding areas."
- 2) Chapter 6 Implementation chart, Land Use 11th recommendation: "Along the south edge of the Midtown Greenway, Sstepped back building design for upper floors, combined with buildings set back south of and a promenade and/or 29th Street, along the Midtown Greenway are recommended to minimize the impacts of shadowing on the Midtown Greenway."
- 3) Introduction, p. 5, last paragraph, 1st sentence: "When train service was eliminated Around the time train service was eliminated in the corridor, it was developed into a pedestrian and bicycle trail by the Hennepin County Regional Railroad Authority with support from the Midtown Greenway Coalition and others."
- 4) Chapter 5, 3rd page, 2nd paragraph under "Future Transit Station Locations": "The Midtown Greenway Land Use and Development Plan recommends that, as opportunities arise, the City give serious consideration to buying or otherwise controlling land contiguous to the Midtown Greenway in station areas. This allows for public space and place making at the Greenway trail level in order to allow for public space that interacts with future development, the Midtown Greenway, and a future transit station. Opportunities may exist for this to be achieved through a public-private partnership."

Adopted 6/26/2009.

Absent - Ostrow, Colvin Roy, Samuels, Johnson.

RESOLUTIONS

Resolution 2009R-311, thanking The 2009 FireOps 101 support staff, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-311

By Schiff, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Remington, Benson, Colvin Roy and Hodges

Thanking The 2009 FireOps 101 Support Staff.

Whereas, the Minneapolis Mayor, City Council and their staff participated in FireOps 101 on Friday, June 5th, 2009 in order to increase appreciation and understanding of what today's fire service provides the citizens of Minneapolis; and

Whereas, the Minneapolis Fire Department requested volunteers to staff the event; and

Whereas, over 50 Minneapolis firefighters and EMS personnel volunteered; and

Whereas, the session encompassed four evolutions to increase awareness and education including live burn, vehicle extrication, search and rescue and cardiac patient/CPR; and

Whereas, the volunteers demonstrated tremendous patience, kindness, and professionalism in the training and the utmost concern for the health and well-being of participants; and

Whereas, volunteers essential in the smooth operation and safety of all participants include Captain Paul Baumtrog, Captain Wally Komarec, FMO John Welton, FMO Keith Sandberg, FMO Jason Reece, Captain Walt Priest, Firefighter Chad Saloka, Deputy Chief Charlotte Holt, HCMC EMS Education Instructor George Vasquez, Firefighter John Ackerman, Firefighter DaRoss Jones, Captain Laura Pilon, Captain Reid Wilson, Captain Rita Juran, Captain Kathy Davison, Captain Tim Baynard, Captain Joe Mattison, Captain Shanna Hanson, Captain Josh Tjaden, Deputy Chief Richard Christensen, Battalion Chief Todd Steinhilber, Staff Captain Joe Schulz, Captain Dan Casper, Captain Tom Thornberg, Captain Mike Dahlberg, Deputy Chief Bryan Tyner, Jim Thomas, FMO Chad Komarec, Firefighter Chris Daeger, FMO Tom Clark, FMO Josh Tunks, FMO Amber Lage, FMO Mary Mohn, Firefighter Mike Vath, Firefighter Riley Champagne, Firefighter Ben Pena, Firefighter Brook Kabanuk, Firefighter Shane Wilson, Firefighter Jeff Bixler, Firefighter Gabe Fetzek, Captain Perry Ebner, Firefighter Jason Firchau, Firefighter Kevin McCalister, Firefighter Mark Neu, Firefighter Hilary Hart, SSII Merry Thurn, Firefighter Tom Burnley, Firefighter Keith Daniel, Staff Captain Walt Lee, HCMC paramedic Becky Kopka and HCMC paramedic Pat Olson; and

Whereas, the Minneapolis Fire Department is planning another event with different evolutions to have the council and mayor, as well as their staff attend these events on a somewhat regular basis in order to keep the decision makers abreast of the ever evolving role the fire service portrays in the protection of our cities and communities and the ever constant need of training and equipment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Friday, June 26, 2009, be declared as 2009 FireOps 101 Support Staff Appreciation Day in The City of Minneapolis.

Adopted 6/26/2009.

Absent - Ostrow, Colvin Roy, Samuels, Johnson.

Resolution 2009R-312, honoring the Twentieth Anniversary of Frank Theatre, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-312

By Schiff, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Remington, Benson, Colvin Roy, Hodges

Honoring the Twentieth Anniversary of Frank Theatre.

Whereas, Bertolt Brecht called for "a type of theatre which not only releases the feelings, insights and impulses possible within the particular historical field of human relations in which the action takes place, but employs and encourages those thoughts and feelings which help transform the field itself;" and

Whereas, Frank Theatre was founded in 1989 by Wendy Knox; and

Whereas, Frank Theatre grew from a desire to produce work that provides opportunities for artists to grow and work outside the typical opportunities provided by theatres with a greater commercial interest; and

Whereas, for twenty years Frank Theatre has been a professional theatre company committed to producing unique work that challenges the perceptions of the audience through the exploration of social, political and cultural concerns; and

Whereas, Frank Theatre has staged thirty-five productions in locations all over Minneapolis, from the Southern Theater to the Guthrie Theater; and

Whereas, Frank Theater Artistic Director Wendy Knox has served as a Fulbright Fellow in Finland, received two McKnight Theatre Artist Fellowships, two Minnesota State Arts Board Artist Fellowships, two Jerome Travel and Study Grants and two Diverse Visions grants from Intermedia Arts; and

Whereas, Frank Theatre has received recognition and numerous awards including nine Ivey Awards and two Best of Minneapolis Awards from City Pages; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Thursday, July 16, 2009 be declared as Frank Theatre Day in The City of Minneapolis.

Be It Further Resolved that we join the Twin Cities theater community in wishing Frank Theatre many more years of artistic success.

Adopted 6/26/2009.

Absent - Ostrow, Colvin Roy, Samuels, Johnson.

Resolution 2009R-313, honoring Cindy Reichert, Assistant City Clerk, Director of Elections, for outstanding service to the City Council and voters of Minneapolis, was adopted 6/26/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-313

By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges

Honoring Cindy Reichert, Assistant City Clerk, Director of Elections, for outstanding service to the City Council and voters of Minneapolis.

Whereas, Cindy Reichert became Assistant City Clerk, Director of Elections, on January 3, 2006 and worked for the City of Minneapolis 3 1/2 years, supervising all local, state and federal elections for 242,022 registered voters, a permanent staff of 5, a seasonal administrative staff of 20 employees, over 200 student election judges and over 2,000 election judges; and

Whereas, Cindy Reichert managed a 1.2 million dollar budget, the City Hall Elections Office, as well as the warehouse and training facility; and

Whereas, Cindy Reichert is a Certified Election and Registration Administrator through the Elections Center, and also a Certified Municipal Clerk, served on the Municipal Clerk's & Finance Officer's/League of Minnesota Cities Joint Election Task Force, and shared her election knowledge conducting sessions at the MCFOA Annual Conferences and Clerk Institute classes; and

Whereas, Cindy Reichert is an ethical leader who is professional, resourceful, fair, open and positive, and is a gifted communicator and writer of technical communications who articulately represented the City Clerk before the City Council, the voting public, election workers, professional associations and election peers; and

Whereas, Cindy Reichert spearheaded innovations and implemented significant improvements in our Elections Management System, realigned staff and election judge positions and pay structure; and

Whereas, Cindy Reichert began implementation of Ranked Choice Voting in Minneapolis in December of 2006 by securing the support of then Secretary of State-elect Mark Ritchie for the establishment of the open and public State Ranked Choice Voting Issues Task Force, and served on its Technical Advisory Committee and the Legislative/Rules Committee; and

Whereas, Cindy Reichert led her staff through the open, public process of a Test Election to provide focus groups with a voting experience using Ranked Choice Voting, and to verify and test the hand-count procedures for Ranked Choice Voting for both single and multiple seat offices, including the first-ever hand-count procedures using the Weighted Inclusive Gregory Method to be used in the world, to develop a robust process of which the City of Minneapolis can be proud; and

Whereas, Cindy Reichert, is now recognized by city, county, state and federal election officials as the most knowledgeable Minnesota election official on the topic of Ranked Choice Voting; and

Whereas, Cindy Reichert presided over a Minnesota Supreme Court Primary recount for Minneapolis, Richfield, St. Louis Park, and Fort Snelling – a process completed in one day; and

Whereas, Cindy Reichert then presided over the US Senate General Election recount for Minneapolis – an extravaganza which became its own biome and population – while she oversaw the comings and goings of satellite trucks of local and national media, up to 14 counting tables with 28 counting officials, 10 support staff, and 150 observers daily; and one plumber, and presided over her own "Appellate Court of Challenged Ballots" during a process that lasted 9 days; and

Whereas, Cindy Reichert led her staff through data requests for the US Senate Contest totaling 37,571 copies, and demonstrated calm demeanor and professional knowledge during her multiple days of testifying before the US Senate Election Contest Three Judge Panel; and

Whereas, Cindy Reichert is secure enough in her own leadership and accomplishments to recognize the same qualities in her staff, encouraging them to implement professional development plans by providing the resources so they can blossom within their current job and be prepared to move upward in the city or elsewhere; and

Whereas, Anoka County is the envy of election offices throughout the state for their resourcefulness in hiring Cindy Reichert for her ethics, integrity and grace under pressure;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Cindy Reichert is commended for her tireless commitment and allegiance to the members of the City Council, the office of the City Clerk and the voters of Minneapolis, and ask all to join in wishing her well as she begins her new job as Elections Manager in Anoka County.

Adopted 6/26/2009.

Absent - Ostrow, Colvin Roy, Samuels, Johnson.

UNFINISHED BUSINESS

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to the *Zoning Code*, as follows:

- a. Amending Chapter 520 relating to Introductory Provisions;
- b. Amending Chapter 543 relating to On-Premise Signs;
- c. Amending Chapter 551 relating to Overlay Districts; and
- d. Returning Chapters 525, 531, and 535 to author;

AND

Amending Title 5 of the Minneapolis Code of Ordinances relating to the Building Code, as follows:

- e. Amending Chapter 95 relating to Projections and Encroachments, and
- f. Amending Chapter 109 relating to Signs and Billboards;

to comprehensively review and revise the current zoning code regulations relating to on-premise signs, now recommends that said ordinances **be sent forward without recommendation**, as amended by the Committee with the following changes:

To Chapter 95 to allow the recovering of awnings or canopies without a permit:

95.140. Permits. No person shall install, reconstruct or alter any marquee, awning or canopy awning, canopy or marquee which projects over public property without first having obtained a permit from the director of inspections zoning administrator; however, no permit shall be required for recovering the framework of awnings or canopies. The fee for such permits shall be as set forth in section 91.90 pertaining to other structures Chapter 91, Permit Fees, of the Minneapolis Code of Ordinances. AND

To Chapter 543 to not allow pole signs in any zoning district:

Table 543-2 Specific Standards for Signs in the OR2, OR3 and Commercial Districts⁴

Types of freestanding signs allowed

<u>Pole Signs</u> <u>No</u> <u>No</u> <u>No</u> <u>No</u> <u>No</u> <u>No</u>

Table 543-4 Specific Standards for Signs in the Industrial Districts¹

Signs Attached to Buildings

Maximum height of signs 24 28 ft.

Freestanding Signs

Maximum height of signs ² 25 8 ft. except pole signs shall not exceed 24 feet

Types of freestanding signs allowed

Monument Signs Yes
Pole Signs No

Glidden moved to amend Section 543.390 to not allow portable signs on the right-of-way in the downtown area to read as follows:

543.390. Portable signs. (a) In general. Portable signs shall be prohibited on the public right-of-way in the downtown area bounded by Interstate 35W, Interstate 94, Plymouth Avenue, and the Mississippi River, except as required or permitted in connection with an approved valet parking license or sidewalk café permit.

- (ab) Limits. Portable signs shall not exceed twelve (12) square feet in area, shall not be illuminated, and shall be of sufficient weight to prevent movement by wind.
- (b) On the public right-of-way. Portable signs may be allowed on the public right-of-way, provided an encroachment permit is obtained for such sign.
- (c) Exemption from regulations on number of freestanding signs. Portable signs shall be exempt from the restrictions on the number of freestanding signs allowed on a zoning lot, provided such portable signs shall not exceed four (4) feet in height and there shall be not more than one (1) such portable sign per street frontage. Seconded.

Remington moved that the report be referred back to the Zoning & Planning Committee. Seconded. Adopted upon a voice vote 6/26/2009.

Absent - Ostrow, Colvin Roy, Samuels, Johnson.

JUNE 26, 2009

Pursuant to previous notice, Gordon moved to introduce the subject matter of an ordinance amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (to establish a new overlay district with regulations applicable to the University of Minnesota area), as follows:

- a) Amending Chapter 521 related to Zoning Code: Zoning Districts and Maps Generally; and
- b) Amending Chapter 551 related to Zoning Code: *Overlay Districts*. Seconded. Adopted upon a voice vote 6/26/2009.

Absent - Ostrow, Colvin Roy, Samuels, Johnson.

Pursuant to previous notice, Gordon moved to introduce the subject matter of an ordinance amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (to amend regulations for residential buildings with 1-4 dwelling units), as follows:

- a) Amending Chapter 520 related to Zoning Code: Introductory Provisions; and
- b) Amending Chapter 535 related to Zoning Code: Regulations of General Applicability. Seconded.

Adopted upon a voice vote 6/26/2009.

Absent - Ostrow, Colvin Roy, Samuels, Johnson.

Benson moved to adjourn. Seconded. Adopted upon a voice vote 6/26/2009. Absent - Ostrow, Colvin Roy, Samuels, Johnson.

Steven J. Ristuben, City Clerk.

Unofficial Posting: 6/29/2009 Official Posting: 7/2/2009